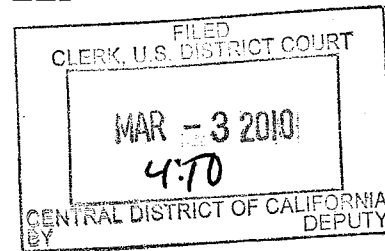


COPY

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Attorneys for Defendant, National Credit Union Administration
As Conservator For Western Corporate Federal Credit Union .

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1ST VALLEY CREDIT UNION; CASCADE
FEDERAL CREDIT UNION;
GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
FEDERAL CREDIT UNION; NORTHWEST
PLUS CREDIT UNION; STAMFORD
FEDERAL CREDIT UNION; and TULARE
COUNTY FEDERAL CREDIT UNION,

Plaintiffs,

v.

DONNA BLAND, ROBERT BURRELL,
JEREMY CALVA, WILLIAM CHENEY,
LAURA CLOHERTY, GORDON DAMES,
ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
DOES 1 through 100, inclusive.

Defendants

and

NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR
FOR WESTERN CORPORATE FEDERAL
CREDIT UNION,
Intervenor.

CASE NO. 10-01597-GW
CMAKX

**EXHIBITS TO NOTICE OF
REMOVAL FROM THE
SUPERIOR COURT OF THE
STATE OF CALIFORNIA
FOR THE COUNTY OF LOS
ANGELES PURSUANT TO
12 U.S.C. § 1789(a)(2) AND 28
U.S.C. § 1441(b)**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 Attached are true and correct copies of the Complaint and all of the other
3 process, pleadings, and orders filed in the Action which are currently available to
4 the Conservator.

5 Exhibit 1. Complaint;

6 Exhibit 2. Summons;

7 Exhibit 3. Civil Cover Sheet and Statement of Location;

8 Exhibit 4. First Amended Summons;

9 Exhibit 5. Notice of Motion and Motion of the National Credit Union
10 Administration as Conservator for Western Corporate Federal Credit Union for
11 Leave to Intervene;

12 Exhibit 6. Memorandum of Points and Authorities in Support of the
13 National Credit Union Administration as Conservator for Western Corporate
14 Federal Credit Union for Leave to Intervene;

15 Exhibit 7. Declaration of David Shetler in Support of Motion for Leave to
16 Intervene by the National Credit Union Administration as Conservator for Western
17 Corporate Federal Credit Union;

18 Exhibit 8. [Proposed] Complaint in Intervention;

19 Exhibit 9. Proof of Service of First Amended Summons, Complaint, and
20 Notice of Case Assignment on Riskspan, Inc.;

21 Exhibit 10. Proof of Service of Amended Summons Complaint, and Notice
22 of Case Assignment on Timothy Kramer;

23 Exhibit 11. Proof of Service of First Amended Summons Complaint, and
24 Notice of Case Assignment on David Trinder;

25 Exhibit 12. Proof of Service of Summons Complaint, and Notice of Case
26 Assignment on Dwight Johnston;

27 Exhibit 13. Proof of Service of Summons Complaint, and Notice of Case
28

1 Assignment on Timothy Sidley;

2 Exhibit 14. Proof of Service of Summons Complaint, and Notice of Case
3 Assignment on Jeff Hamilton;

4 Exhibit 15. Proof of Service of Summons Complaint, and Notice of Case
5 Assignment on Diana R. Dykstra;

6 Exhibit 16. Proof of Service of First Amended Summons Complaint, and
7 Notice of Case Assignment on Adam Denbo;

8 Exhibit 17. Proof of Service of First Amended Summons Complaint, and
9 Notice of Case Assignment on John M. Merlo;

10 Exhibit 18. Proof of Service of First Amended Summons Complaint, and
11 Notice of Case Assignment on David Roughton;

12 Exhibit 19. Proof of Service of First Amended Summons Complaint, and
13 Notice of Case Assignment on James P. Jordan;

14 Exhibit 20. Proof of Service of First Amended Summons, Complaint, and
15 Notice of Case Assignment on Donna Bland;

16 Exhibit 21. Proof of Service of First Amended Summons, Complaint, and
17 Notice of Case Assignment on Robin J. Lentz;

18 Exhibit 22. Proof of Service of Summons, Complaint, and Notice of Case
19 Assignment on Laura Cloherty;

20 Exhibit 23. Proof of Service of Amended Summons, Complaint, and Notice
21 of Case Assignment on Jeremy Calva;

22 Exhibit 24. Proof of Service of Summons, Complaint, and Notice of Case
23 Assignment on James Hayes;

24 Exhibit 25. Stipulation (1) to Continue Hearing on Motion of the National
25 Credit Union Administration as Conservator for the Western Corporate Federal
26 Credit Union to Intervene; and (2) For Extension of Time to Respond to Complaint
27 Following Ruling on Motion to Intervene; [Proposed] Order;

28 Exhibit 26. Minute Order;

1 Exhibit 27. Order Granting National Credit Union Administration as
2 Conservator for Western Corporate Federal Service Credit Union Leave to
3 Intervene;

4 Exhibit 28. Certificate of Service of Order Granting National Credit Union
5 Administration as Conservator for Western Corporate Federal Service Credit Union
6 Leave to Intervene.

7
8 DATED: March 3, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

9
10 By: 

11 Michael H. Bierman

Michael E. Pappas

12 Michelle K. Sugihara

13 Attorneys for Intervenor The National Credit
Union Administration as Conservator for
14 Western Corporate Federal Credit Union.
15
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EXHIBIT 1

ORIGINAL

11/24/2009

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11 Attorneys for Plaintiffs 1st Valley Credit Union,
 12 Cascade Federal Credit Union, Glendale Area
 13 Schools Federal Credit Union, Kaiperm Northwest
 14 Federal Credit Union, Northwest Plus Credit Union,
 Stamford Federal Credit Union, and Tulare County
 Federal Credit Union.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 16 **FOR THE COUNTY OF LOS ANGELES**

17
 18 1ST VALLEY CREDIT UNION;
 19 CASCADE FEDERAL CREDIT UNION;
 20 GLENDALE AREA SCHOOLS
 21 FEDERAL CREDIT UNION; KAIPERM
 22 NORTHWEST FEDERAL CREDIT
 UNION; NORTHWEST PLUS CREDIT
 21 UNION; STAMFORD FEDERAL
 CREDIT UNION; and TULARE
 22 COUNTY FEDERAL CREDIT UNION,

23 Plaintiffs,

24 v.

25 DONNA BLAND, ROBERT BURRELL,
 26 JEREMY CALVA, WILLIAM CHENEY,
 27 LAURA CLOHERTY, GORDON
 28 DAMES, ADAM DENBO, DIANA R.
 DYKSTRA, JEFF HAMILTON, ROBERT
 H. HARVEY, JR., JAMES HAYES,

CASE NO.:

COMPLAINT FOR:

(1) Negligence;
 (2) Breach of Fiduciary Duties

DEMAND FOR JURY TRIAL

BC 426754
 BY FAX

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES
 NOV 24 2009
 John A. Clarke, Executive Officer/Clerk
 By M. Garcia Deputy
 MARY E. GARCIA
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1 WAYNE HOPE, DWIGHT JOHNSTON,)
 2 JAMES P. JORDAN, TIMOTHY)
 3 KRAMER, ROBIN J. LENTZ, SUSANNE)
 4 LONGSON, JOHN M. MERLO,)
 5 WARREN NAKAMURA, BRIAN)
 6 OSBERG, DAVID ROUGHTON,)
 7 TIMOTHY SIDLEY, ROBERT SIRAVO,)
 8 DAVID TRINDER, DARREN)
 9 WILLIAMS, RISKSPAN INC., and DOES)
 10 1 through 100, inclusive.)

11 Defendants

12 NATURE OF THE ACTION

13 1. Western Corporate Federal Credit Union ("WesCorp")—a corporate credit
 14 union whose members consist of consumer-facing, "retail" credit unions—embarked on a
 15 wildly irresponsible Wall Street gambling spree in mortgage-backed securities, losing
 16 billions of member dollars it was charged with conservatively maintaining as liquid assets.
 17 Assisting WesCorp in these excesses was RiskSpan Inc., a supposedly qualified and
 18 independent expert whom WesCorp's directors and officers hired to value its investments
 19 and whom WesCorp's members mistakenly trusted as a detached and capable gatekeeper.
 20 By 2008, when mortgage-backed securities accounted for an average 37 percent of
 21 corporate credit unions' portfolios, those securities represented nearly 80 percent of
 22 WesCorp's doomed portfolio.

23 2. This is an action for negligence and breach of fiduciary duties against former
 24 directors of WesCorp ("Director Defendants"), against former and/or current WesCorp
 25 officers ("Officer Defendants"), and former members of the WesCorp Supervisory
 26 Committee ("Supervisory Committee Defendants") who mismanaged WesCorp and allowed
 27 it to embark on an irresponsible investment strategy, and against RiskSpan, Inc., WesCorp's
 28 independent third-party risk management company (collectively, "Defendants").

3. Plaintiffs are state and federally chartered Credit Unions that were serviced
 by, and held capital accounts and other investments with, WesCorp, and which suffered
 devastating losses due to Defendants' breaches of fiduciary duties and mismanagement of

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1 WesCorp and/or the failure to exercise due care in managing WesCorp's investments. As a
 2 direct result of Defendants' conduct, WesCorp was placed under a conservatorship imposed
 3 by the National Credit Union Association ("NCUA") in March 2009.

4 4. In short, by embarking on a reckless and unreasonably leveraged investment
 5 strategy, the WesCorp Officer Defendants, Director Defendants, and Supervisory
 6 Defendants (collectively, the "Individual Defendants") breached fiduciary duties owed to
 7 WesCorp's Credit Union members, including Plaintiffs, for whose very benefit WesCorp
 8 was created. The Individual Defendants were assisted in their negligent investment scheme
 9 by RiskSpan Inc., which was supposed to provide competent independent analysis and
 10 evaluation of the mortgage-related securities in which WesCorp heavily invested. RiskSpan
 11 and the Individual Defendants utterly failed to conduct themselves in accordance with the
 12 requisite standard of care with regard to the protection of member Credit Unions' assets and
 13 the maintenance of sufficient WesCorp liquidity for the benefit of its member Credit
 14 Unions' needs.

15 5. In essence, RiskSpan vouched for the precarious and ill-advised investment
 16 strategy that the Individual Defendants devised and/or approved, and used faulty analytics to
 17 support the inflated portfolio values that the Officer and Director defendants reported—and
 18 upon which the Plaintiffs relied.

19 THE PARTIES

20 6. Plaintiff Cascade Federal Credit Union ("CFCU") is a federally chartered,
 21 "natural-person" or "retail" credit union. CFCU is a co-operative, not-for-profit financial
 22 institution organized to promote thrift, provide economical loans, and increase members'
 23 financial well-being. CFCU is member owned, and the members control the credit union
 24 through an elected Board of Directors. CFCU's principal place of business is Kent,
 25 Washington. CFCU's capital loss immediately upon the imposition of the NCUA
 26 Conservatorship was \$1,840,873.00.

27 7. Plaintiff Glendale Area Schools Federal Credit Union ("GASFCU") is a
 28 federally chartered "natural-person" or "retail" credit union, with its principal place of

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1 business in Glendale, California in the County of Los Angeles. Services are offered to
 2 benefit the members, not to generate profit for GASFCU. It is cooperatively owned by its
 3 members, and is controlled by a democratically elected board. GASFCU's capital loss
 4 immediately upon the imposition of the NCUA Conservatorship was \$1,241,384.00.

5 8. Plaintiff KaiPerm Northwest Federal Credit Union ("KNWFCU") is a
 6 federally chartered "natural-person" or "retail" credit union. KNWFCU has its principal
 7 place of business in Portland, Oregon. Services are offered to benefit the members, not to
 8 generate profit for KNWFCU. It is cooperatively owned by its members, and is controlled
 9 by a democratically elected board. KNWFCU's capital loss immediately upon the
 10 imposition of the NCUA Conservatorship was \$51,374.00.

11 9. Plaintiff 1st Valley Credit Union ("1st Valley CU") is a California-chartered
 12 "natural person" or "retail" credit union. 1st Valley CU's principal place of business is San
 13 Bernardino, California. 1st Valley CU is a not-for-profit financial cooperative that is owned
 14 by its members. Unlike banks who are in business for their shareholders, 1st Valley CU is in
 15 business for its members. 1st Valley CU's capital loss immediately upon the imposition of
 16 the NCUA Conservatorship was \$163,395.89.

17 10. Plaintiff Northwest Plus Credit Union ("NW Plus CU") is chartered by the
 18 State of Washington, and is a "natural person" or "retail" credit union. NW Plus CU's
 19 principal place of business is in Everett, Washington. NW Plus CU is a not-for-profit
 20 financial cooperative. When individuals become members of a credit union like NW Plus
 21 CU, they become equal shareholders, each with one vote to elect their volunteer Board of
 22 Directors and Supervisory Committee. NW Plus CU's capital loss immediately upon the
 23 imposition of the NCUA Conservatorship was \$549,327.00.

24 11. Plaintiff Stamford Federal Credit Union ("Stamford FCU") is a federally
 25 chartered "natural person" or "retail" credit union. Stamford FCU's principal place of
 26 business is Stamford, Connecticut. Stamford FCU has been serving the City of Stamford
 27 employees and their families for over 50 years. Stamford FCU's earnings are given back to
 28 its members in the form of competitive rates and quality financial services. Stamford FCU's

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1 capital loss immediately upon the imposition of the NCUA Conservatorship was
2 \$189,096.00.

3 12. Plaintiff Tulare County Federal Credit Union ("Tulare County FCU") is a
4 federally chartered "natural person" or "retail" credit union. Tulare County FCU's principal
5 place of business is Tulare, California. It is cooperatively owned by its members, and is
6 controlled by a democratically elected board. Tulare County FCU's capital loss
7 immediately upon the imposition of the NCUA Conservatorship was \$212,922.47.

8 13. The Officer Defendants named below (collectively, the "Officer Defendants")
9 served among the top management of WesCorp at the relevant times, bore responsibility for
10 investment decisions and, in making those decisions, owed both WesCorp and its owners –
11 the member Credit Unions – fiduciary duties of care and loyalty:

- 12 a) Robert Siravo – the former President and Chief Executive Officer of
13 WesCorp. Upon information and belief, Mr. Siravo is a resident of California.
14 When the NCUA placed WesCorp into conservatorship, it replaced Mr.
15 Siravo.
- 16 b) Robert Burrell – the former Executive Vice President and Chief Investment
17 Officer of WesCorp. Upon information and belief, Mr. Burrell is a resident of
18 California. When the NCUA placed WesCorp into conservatorship, it replaced
19 Mr. Burrell, who is now employed by RiskSpan.
- 20 c) James Hayes – the continuing Senior Vice President and Chief Financial
21 Officer (formerly an Executive Vice President) of WesCorp. Upon
22 information and belief, Mr. Hayes is a resident of California.
- 23 d) Jeremy Calva – the continuing Vice President, Investment Operations of
24 WesCorp. Upon information and belief, Mr. Calva is a resident of California.
- 25 e) Laura Cloherty – the continuing WesCorp Vice President, Controller. Upon
26 information and belief, Ms. Cloherty is a resident of California.
- 27 f) Jeff Hamilton – the continuing Vice President, Portfolio Management. Upon
28 information and belief, Mr. Hamilton is a resident of California.

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- 1 g) Dwight Johnston – the continuing Vice President, Economic & Market
 2 Research. Upon information and belief, Mr. Johnston is a resident of
 3 California.
- 4 h) Timothy Sidley – the continuing Vice President, Risk Assessment. Upon
 5 information and belief, Mr. Sidley is a resident of California.
- 6 i) David Trinder – the continuing Vice President, Balance Sheet Management.
 7 Upon information and belief, Mr. Trinder is a resident of California.
- 8 14. At all relevant times the Director Defendants named below served as Directors
 9 of WesCorp. The Director Defendants were at all relevant times responsible for directing
 10 management at WesCorp, including the Officer Defendants, and establishing operating
 11 policies, including WesCorp's investment and accounting policies, and owed both WesCorp
 12 and its owners – the member Credit Unions – fiduciary duties of care and loyalty. All of the
 13 WesCorp directors were removed by the NCUA, following imposition of the
 14 conservatorship:
- 15 a) Robert H. Harvey Jr. – former Chairman of the WesCorp Board. Upon
 16 information and belief, Mr. Harvey is a resident of Washington State.
- 17 b) James P. Jordan – former Vice Chairman of the WesCorp Board. Upon
 18 information and belief, Mr. Jordan is a resident of California.
- 19 c) Timothy Kramer – former Secretary/Treasurer of the WesCorp Board. Upon
 20 information and belief, Mr. Kramer is a resident of California.
- 21 d) Adam Denbo – former member of the WesCorp Board. Upon information and
 22 belief, Mr. Denbo is a resident of California.
- 23 e) Diana R. Dykstra – former member of the WesCorp Board. Upon information
 24 and belief, Ms. Dykstra is a resident of California.
- 25 f) Wayne Hope – former member of the WesCorp Board. Upon information and
 26 belief, Mr. Hope is a resident of Tennessee.
- 27 g) Robin J. Lentz – former member of the WesCorp Board. Upon information
 28 and belief, Mr. Lentz is a resident of California.

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- 1 h) Susanne Longson – former member of the WesCorp Board. Upon information
- 2 and belief, Ms. Longson is a resident of Nevada.
- 3 i) John M. Merlo – former member of the WesCorp Board. Upon information
- 4 and belief, Mr. Merlo is a resident of California.
- 5 j) Warren Nakamura – former member of the WesCorp Board. Upon
- 6 information and belief, Mr. Nakamura is a resident of Hawaii.
- 7 k) Brian Osberg – former member of the WesCorp Board. Upon information and
- 8 belief, Mr. Osberg is a resident of Idaho.
- 9 l) Gordon Dames – former member of the WesCorp Board. Upon information
- 10 and belief, Mr. Dames is a resident of Utah.
- 11 m) William Cheney – former member of the WesCorp Board. Upon information
- 12 and belief, Mr. Cheney is a resident of California.

13 15. At all relevant times the Supervisory Committee Defendants named below
 14 served as members of the WesCorp Supervisory Committee. The Supervisory Committee
 15 Defendants were at all relevant times responsible for overseeing the WesCorp Board of
 16 Directors and owed both WesCorp and its owners – the member Credit Unions – fiduciary
 17 duties of care and loyalty:

- 18 a) David Roughton – former Chairman of the Supervisory Committee of
- 19 WesCorp. Upon information and belief, Mr. Roughton is a resident of
- 20 California.
- 21 b) Darren Williams – former Secretary of the Supervisory Committee of
- 22 WesCorp. Upon information and belief, Mr. Williams is a resident of
- 23 California.
- 24 c) Donna Bland – former member of the Supervisory Committee of WesCorp.
- 25 Upon information and belief, Ms. Bland is a resident of California.

26 16. RiskSpan Inc. is a consulting and valuation company with offices in Stamford,
 27 Connecticut, Washington, D.C., and Chennai, India. WesCorp engaged RiskSpan to assist it
 28 by supplementing WesCorp's own internal risk management efforts. Specifically, RiskSpan

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1 was retained by WesCorp to provide independent evaluations of WesCorp's most credit
 2 sensitive holdings (the majority of the sub-prime Residential Mortgage-Backed Securities
 3 ("RMBSS") and Collateralized Debt Obligation Securities ("CDOs"). RiskSpan relied on its
 4 own proprietary credit models to assess the future performance of each loan in the credit
 5 pools that it evaluated -purportedly based upon the individual characteristics of each and
 6 every loan. RiskSpan conducted its analysis of WesCorp's riskiest sub-prime holdings on a
 7 monthly basis.

8 17. Plaintiffs currently are ignorant of the true names and capacities, whether
 9 individual, corporate, associate, or otherwise, of the defendants sued herein under the
 10 fictitious names Does 1 through 100, inclusive, and therefore, sue such defendants by such
 11 fictitious names. Plaintiffs will seek leave to amend this complaint to allege the true names
 12 and capacities of said fictitiously named defendants when their true names and capacities
 13 have been ascertained. Plaintiffs are informed and believe and based thereon allege that
 14 each of the fictitiously named Doe defendants is legally responsible in some manner for the
 15 events and occurrences alleged herein, and for the damages suffered by plaintiffs.

16 18. Plaintiffs are informed and believe and based thereon allege that all
 17 defendants, including the fictitious Doe defendants, were at all relevant times acting as
 18 actual agents, conspirators, ostensible agents, partners and/or joint venturers and employees
 19 of all other defendants, and that all acts alleged herein occurred within the course and scope
 20 of said agency, employment, partnership, and joint venture, conspiracy or enterprise, and
 21 with the express and/or implied permission, knowledge, consent, authorization and
 22 ratification of their co-defendants; however, each of these allegations are deemed
 23 "alternative" theories whenever not doing so would result in a contraction with the other
 24 allegations.

25 19. Whenever this complaint makes reference to any act of Defendants, the
 26 allegations shall be deemed to mean the act of those defendants named in the particular
 27 cause of action, and each of them, acting individually, jointly and severally, unless
 28 otherwise alleged.

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20. All Defendants, including Does 1 through 100, are collectively referred to as "Defendants."

JURISDICTION AND VENUE

21. This court may exercise jurisdiction over this case and these parties under Code of Civil Procedure section 410.10. This is a court of general jurisdiction, and the amount in controversy exceeds this court's jurisdictional minimum. Plaintiffs GASFCU, 1st Valley CU, and Tulare County FCU are California residents, and Plaintiff GASFCU has its principal place of business in Los Angeles, California. Most of the defendants are California residents.

22. Venue is proper in this County because many of the claims and misconduct at issue arose in Los Angeles County where WesCorp is based. Further, this is the proper county pursuant to Code of Civil Procedure sections 395 and 395.5. Pursuant to Los Angeles Superior Court Local Rule 2.0(b) & (c), this is the type of action that may be filed in the Central District.

23. The amount in controversy exceeds the jurisdictional minimum of this Court.

GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

24. Plaintiffs are known as "natural-person" or "retail" credit unions and they all serve individuals who belong to a variety of membership-eligible groups, such as teachers and government employees. Retail credit unions offer the same services as traditional banks, but unlike banks, they operate as not-for-profit cooperatives that encourage thrift and attempt to provide their services to members at a lower cost and/or at a higher return than banks.

25. By contrast, WesCorp is a "corporate" credit union. Corporate credit unions play a special role in the credit union system by acting as "credit unions to credit unions." Like retail credit unions, the Corporate credit unions are not-for-profits owned by their members – but in this case the members of Corporate credit unions are mainly retail credit unions, such as Plaintiffs. The purpose of the Corporate credit unions, including WesCorp, is to provide liquidity to retail credit unions and to provide a wide array of services, such as

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1 check, ATM, and credit card processing, which would be prohibitively expensive for retail
2 credit unions to perform on their own.

3 26. Profit maximization is not the mission of any credit union. Rather, the entire
4 credit union structure is designed to maximize member service over the profit motive.
5 "Profits" are relatively small and are either returned to members in the form of benefits
6 (either lower costs or higher returns) or they are invested upstream to provide a source of
7 liquidity and risk management should the financial markets suffer declines. According to
8 WesCorp:

9 Profit is not the driving force at credit unions; rather, they exist
10 solely for the benefit of their member/owners—a pivotal
difference from other financial service providers

11 The corporate credit union network was organized to provide
12 liquidity resources for credit unions as part of the credit union
system. The idea was to have within the credit union movement
13 a mechanism enabling credit unions to function independently of
the banking system and to provide credit unions with a full range
14 of financial, investment and back-office services.

15 www.wescorp.org/about_us/aboutus_faq.asp?catid=60,
downloaded October 29, 2009.

16 27. Under the leadership of the Individual Defendants, WesCorp strayed far from
17 its primary mission and embarked on a risky and highly leveraged investment strategy that
18 placed a shockingly high percentage of the funds entrusted to it by Plaintiffs in precarious
19 and illiquid investments such as mortgage-backed securities. As a result, the Officer
20 Defendants and Director Defendants failed to oversee and manage WesCorp in accordance
21 with its primary purpose to provide safety and liquidity for Plaintiffs' invested capital.

22 28. In addition, the Individual Defendants caused WesCorp needlessly and
23 unreasonably to over-leverage its assets by borrowing up to approximately \$10 billion from
24 non-member sources. It used the short-term funds it borrowed (typically maturities of 90
25 days or less) to plunge deeper into the exotic mortgage-backed securities game and
26 purchased securities which bore uncertain, but likely substantially longer, maturities.

27 29. Credit unions are obligated to maintain not only minimum capital
28 requirements, but also additional capital beyond the regulatory minimums, commensurate

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1 with the nature and extent of the risk presented by each institution's portfolio and the ability
2 of management to control those risks. Retail credit unions routinely "store" excess funds
3 until additional liquidity is needed by investing it with a Corporate credit union. In turn, the
4 Corporate credit unions – such as WesCorp – must invest those funds in a manner designed
5 to provide liquidity back to retail credit unions when and as needed.

6 30. However, through gross mismanagement and breaches of fiduciary duties, and
7 an abandonment of the goals and purposes of credit unions, the Individual Defendants
8 sought excessive income at the risk of safety, liquidity, appropriate risk management, and
9 common prudence.

10 31. Under the control and mismanagement of the Individual Defendants, WesCorp
11 invested far too heavily in "private label," non-agency sub-prime RMBSs and other
12 inappropriately risky investment vehicles. Astoundingly, an April 10, 2009 NCUA analysis
13 of the WesCorp investment portfolio showed that by 2008, non-agency Mortgage-Backed
14 Securities ("MBSs") represented almost 80% of WesCorp's entire investment portfolio. By
15 contrast, when the portfolios of all of the Corporate credit unions were examined over the
16 same time period, MBSs accounted for only 37% of the portfolio on average.

17 32. Such an extraordinarily high level of extremely risky and illiquid investments
18 was wholly inconsistent with WesCorp's stated purpose and its duties to its members – to
19 provide safety, liquidity, risk management, and prudence in the investment of the retail
20 credit unions' deposits.

21 33. WesCorp's Individual Defendants began to change WesCorp's investment
22 focus in or around 2003 when they began to increase its investment concentration in MBS
23 and Asset-backed Securities ("ABS") which offered potential for greater returns than did
24 U.S. Treasuries or other similar secure and liquid government obligations. The Individual
25 Defendants set WesCorp on a course that focused far more on obtaining higher rates of
26 return on principal than on the preservation and return of the principal itself.

27 34. Unlike traditional mortgage loans provided by highly regulated banks with
28 standard terms and strict underwriting criteria, the "private label" MBS and ABS were "non-

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1 conforming” or sub-prime mortgages or other loans that were generated by largely
2 unregulated mortgage brokers using inconsistent – or even non-existent – underwriting
3 standards. Further, the loans were funded by largely unregulated investment banks and
4 were securitized by those same investment banks instead of government-sponsored
5 enterprises (like Freddie Mac).

6 35. RiskSpan, the risk management and valuation experts retained by WesCorp,
7 applied flawed, proprietary models in its analysis of WesCorp’s investment portfolio. Upon
8 information and belief, RiskSpan’s review of WesCorp’s riskiest portfolio elements utterly
9 failed to incorporate data reflecting recent experience with the sub-prime, Alt-A and non-
10 agency MBSs, or to predict the negative impact they would have on WesCorp’s entire
11 investment portfolio.

12 36. Despite WesCorp’s rosy pronouncements throughout 2008 that all was well,
13 the reality was that WesCorp had staggering “unrealized” losses from its over-leveraged and
14 highly risky investment program. In fact, by January 2008, WesCorp’s unrealized losses
15 exceeded its net worth. Yet, the Officer Defendants and the Director Defendants continued
16 to reassure WesCorp’s members that WesCorp’s finances were sound, and that WesCorp’s
17 2008 financial performance would be it’s best year ever.

18 37. As the economy and WesCorp’s portfolio continued to deteriorate throughout
19 2008, WesCorp essentially became insolvent and could only continue operations by virtue
20 of an emergency infusion of funds by the NCUA.

21 38. However, the capital infusion was not enough to keep WesCorp’s sinking ship
22 afloat. As a result, the NCUA placed WesCorp under a conservatorship in March 2009.
23 WesCorp remains under NCUA conservatorship to this day.

24 39. The NCUA immediately replaced the sitting WesCorp Board, the Supervisory
25 Committee members, and two key Officers. In addition, the NCUA required all of the
26 WesCorp member credit unions— including Plaintiffs— to relinquish all of the funds they
27 had on deposit in their Member Capital Accounts (“MCA”). In turn, Plaintiffs and all the
28

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1 other retail credit unions that were serviced by WesCorp had to record losses for their MCA
2 funds.

3 40. But MCA losses were not the only injuries the WesCorp members suffered as
4 a result of Defendants' recklessness and breaches of fiduciary duty. Indeed, their injuries
5 continue to mount as the NCUA just announced the imposition of new assessments on retail
6 credit unions to: (a) increase the equity of the National Credit Union Share Insurance Fund
7 ("NCUSIF"), which was impaired by the bailout of WesCorp (and US Central, a
8 "wholesale" credit union); and (b) repay a portion of the funds that the NCUA borrowed in
9 connection with the Corporate Credit Union Stabilization Fund. Moreover, WesCorp's
10 retail credit union members will have to pay increased NCUSIF insurance costs and bear the
11 costs of the Conservatorship itself.

12 41. But for the negligence and breaches of fiduciary duty by the Individual
13 Defendants in their management and oversight of WesCorp and its investment program,
14 Plaintiffs would not have incurred the losses of their MCA funds, nor would they be forced
15 to incur the increased future charges they now face.

16 42. RiskSpan Inc. was also grossly negligent in executing its seriously flawed
17 economic models, which it claimed it would accurately assess the risks associated with
18 WesCorp's unreasonably exotic and precarious investment portfolio. However, RiskSpan's
19 flawed models failed to correctly recognize the true risk – and incredibly poor performance
20 – of the assets in WesCorp's portfolio. Rather, it painted a falsely positive picture of the
21 performance of WesCorp's investments, which only encouraged the Individual Defendants
22 to slide deeper down the treacherous MBS slope.

23 43. Because Corporate credit unions such as WesCorp exist solely for the benefit
24 of their owner/member retail credit unions, RiskSpan's analyses were performed for the
25 benefit of WesCorp's retail credit union members, including Plaintiffs, and accordingly
26 RiskSpan Inc. is in privity with them, and owed them duties of care. However, RiskSpan
27 Inc. failed to conduct itself in accordance with the high standard of care for expert
28

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1 evaluation consultants, retained to assess the risk of a highly leveraged Corporate credit
2 union's exotic investment portfolio.

3 44. Due to (a) the negligence and mismanagement of WesCorp by the Individual
4 Defendants, through irresponsible and unnecessary borrowings and adopting an excessively
5 risky investment program, and (b) the negligence of RiskSpan in failing to timely and
6 accurately assess the value and credit risk level of the mortgage-backed securities in the
7 WesCorp portfolio, Plaintiffs have suffered severer losses. In addition, the credit union
8 structure has been turned on its head. Instead of WesCorp providing liquidity to its retail
9 members as intended, today the retail credit union members of WesCorp are now providing
10 liquidity to WesCorp.

11 FIRST CAUSE OF ACTION

12 (Negligence)

13 (By all Plaintiffs against All Defendants)

14 45. Plaintiffs incorporate by reference the foregoing allegations.

15 46. All Defendants acted recklessly and negligently in connection with the pursuit
16 and evaluation of WesCorp's investment program.

17 47. Defendants negligently abandoned the mission, purpose, and goals of the
18 credit union system.

19 48. Defendants negligently adopted and pursued an irresponsibly risky WesCorp
20 investment program that unreasonably jeopardized the assets of WesCorp's members, and
21 eventually cost its members the full value of their MCA investments in WesCorp; and

22 49. Defendants ignored the realities of the then-current economic conditions and
23 negligently failed to take steps in a timely fashion to protect the assets of WesCorp's
24 members.

25 50. Plaintiffs reasonably relied on the misrepresentations by Defendants to their
26 detriment. Plaintiffs sustained damages as a result of these misrepresentations.

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1 51. As a proximate result of the aforementioned unreasonable and negligent
 2 conduct of Defendants, Plaintiffs have suffered, and will continue to suffer in the future,
 3 general and special damages in an amount to be determined at the time of trial.

4 SECOND CAUSE OF ACTION

5 (Breach of Fiduciary Duties)
 6 (By All Plaintiffs against All of the Individual Defendants)

7 52. Plaintiffs hereby incorporate by reference the allegations contained in all
 8 preceding paragraphs of this complaint.

9 53. Defendants have violated fiduciary duties owed to the owner/member retail
 10 credit unions that entrusted their – and their members' funds – to WesCorp.

11 54. The Defendants failed to exercise due care in their management and oversight
 12 of WesCorp generally, and in the management and oversight of WesCorp's investment
 13 strategy by:

- 14 a) failing to fulfill the goals and purposes of a Corporate credit union to provide
 15 financial safety and liquidity to its members;
 - 16 b) embarking on an irresponsibly risky investment program that placed
 17 members' funds at an unacceptable level of risk; and
 - 18 c) unnecessarily leveraging WesCorp's assets and taking on excessive and
 19 needless debt obligations that were not required to fulfill its primary mission.
- 20 Plaintiffs assert this claim on behalf of themselves.

21 55. As a proximate result of the aforementioned conduct of Defendants, Plaintiffs
 22 have suffered, and will continue to suffer in the future, general and special damages in an
 23 amount to be determined at the time of trial.

24 PRAYER FOR RELIEF

25 WHEREFORE, Plaintiffs pray for and are entitled to the following relief:

- 26 1. Entry of Judgment against Defendants for all economic, monetary, actual,
 27 consequential and compensatory damages caused by their conduct;
 28

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2. For general, special and consequential damages according to proof;
3. For prejudgment interest as provided by law;
4. For such other and further relief as the Court deems just and proper.

DATED: November 23, 2009

PARISI & HAVENS LLP

KAMBERELDESON LLC

By 

David C. Parisi

Attorneys for Plaintiffs 1st Valley Credit Union,
Cascade Federal Credit Union, Glendale Area
Schools Federal Credit Union, Kaiperm Northwest
Federal Credit Union, Northwest Plus Credit
Union, Stamford Federal Credit Union, and Tulare
County Federal Credit Union.

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all claims and causes of action in this lawsuit.

DATED: November 23, 2009

PARISI & HAVENS LLP

KAMBERELDESON LLC

By: 

David C. Parisi

Attorneys for Plaintiffs 1st Valley Credit Union,
Cascade Federal Credit Union, Glendale Area
Schools Federal Credit Union, Kaiperm Northwest
Federal Credit Union, Northwest Plus Credit
Union, Stamford Federal Credit Union, and Tulare
County Federal Credit Union.

EXHIBIT 2

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ORIGINAL

SUM-100

**SUMMONS
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**1ST VALLEY CREDIT UNION;
Additional Parties Attachment Form is Attached**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):****BY FAX**DONNA BLAND
Additional Parties Attachment Form is AttachedFOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NOV 24 2009

John A. Clarke, Executive Officer/Clerk
By M. Garcia Deputy
MARY E. GARCIA**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.)**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles Superior Court

111 N. Hill Street
Los Angeles, California 90012

CASE NUMBER:
(Número del Caso): **BC 426754**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
David C. Parisi, Parisi & Havens LP, 15233 Valleyheart Drive, Sherman Oaks, CA 91403, 818-99-12999

DATE:
(Fecha)

NOV 24 2009
JOHN A. CLARKE, CLERK

, Deputy
(Adjunto)

(For proof of service of this summons, use the form Proof of Service of Summons, (POS-010).)
(Para prueba de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
☐ as the person sued under the fictitious name of (specify):

☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

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SUM-200(A)

SHORT TITLE:

CASE NUMBER:

1st Valley Credit Union, et al. v. Donna Bland, et al.

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

CASCADE FEDERAL CREDIT UNION; GLENDALE AREA SCHOOLS FEDERAL CREDIT UNION;
 KAIPERM NORTHWEST FEDERAL CREDIT UNION; NORTHWEST PLUS CREDIT UNION;
 STAMFORD FEDERAL CREDIT UNION; and TULARE COUNTY FEDERAL CREDIT UNION

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SUM-200(A)

SHORT TITLE: 1st Valley Credit Union, et al. v. Donna Bland, et al.	CASE NUMBER:
---	---------------------

INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

ROBERT BURRELL, JEREMY CALVA, WILLIAM CHENEY, LAURA CLOHERTY, GORDON DAMES, ADAM DENBO, DIANA R. DYKSTRA, JEFF HAMILTON, ROBERT H. HARVEY, JR., JAMES HAYES, WAYNE HOPE, DWIGHT JOHNSTON, JAMES P. JORDAN, TIMOTHY KRAMER, ROBIN J. LENTZ, SUSANNE LONGSON, JOHN M. MERLO, WARREN NAKAMURA, BRIAN OSBERG, DAVID ROUGHTON, TIMOTHY SIDLEY, ROBERT SIRAVO, DAVID TRINDER, DARREN WILLIAMS, RISKSPAN INC., and DOES 1 through 100, inclusive.

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EXHIBIT 3

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ORIGINAL

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David C. Parisi (162248) PARISI & HAVENS LLP 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO.: (818) 501-7852 ATTORNEY FOR (Name): Plaintiffs, 1st Valley Credit Union, et al.		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES NOV 24 2009 John A. Clarke, Executive Officer/Clerk By <u>MARY E. GARCIA</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: 1st Valley Credit Union, et al. v. Donna Bland, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| <input type="checkbox"/> Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PUPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PUPD/W/D (23)
Non-PUPD/W/D (Other) Tort
<input checked="" type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PUPD/W/D tort (35)
Employment
<input type="checkbox"/> Wrongful termination (38)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (28)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 23, 2009

David C. Parisi

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

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Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740,
Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov

American Judicial Inc.

EXHIBIT 3 PAGE 1

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INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	Construction Defect (10)
Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort	Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)	Claims Involving Mass Tort (40)
Asbestos (04)	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Asbestos Property Damage	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos Personal Injury/Wrongful Death	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Product Liability (not asbestos or toxic/environmental) (24)	Collection Case—Seller Plaintiff	Enforcement of Judgment
Medical Malpractice (45)	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Medical Malpractice—Physicians & Surgeons	Insurance Coverage (not provisionally complex) (18)	Abstract of Judgment (Out of County)
Other Professional Health Care Malpractice	Auto Subrogation	Confession of Judgment (non-domestic relations)
Other P/DP/DWD (23)	Other Coverage	Sister State Judgment
Premises Liability (e.g., slip and fall)	Other Contract (37)	Administrative Agency Award (not unpaid taxes)
Intentional Bodily Injury/PD/DWD (e.g., assault, vandalism)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Intentional Infliction of Emotional Distress	Other Contract Dispute	Other Enforcement of Judgment Case
Negligent Infliction of Emotional Distress	Real Property	Miscellaneous Civil Complaint
Other P/DP/DWD	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Non-P/DP/DWD (Other) Tort	Wrongful Eviction (33)	Other Complaint (not specified above) (42)
Business Tort/Unfair Business Practice (07)	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Writ of Possession of Real Property	Injunctive Relief Only (non-harassment)
Defamation (e.g., slander, libel) (13)	Mortgage Foreclosure	Mechanics Lien
Fraud (18)	Quiet Title	Other Commercial Complaint Case (non-tort/non-complex)
Intellectual Property (19)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Other Civil Complaint (non-tort/non-complex)
Professional Negligence (25)	Unlawful Detainer	Miscellaneous Civil Petition
Legal Malpractice	Commercial (31)	Partnership and Corporate Governance (21)
Other Professional Malpractice (not medical or legal)	Residential (32)	Other Petition (not specified above) (43)
Other Non-P/DP/DWD Tort (35)	Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Civil Harassment
Employment	Judicial Review	Workplace Violence
Wrongful Termination (36)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Other Employment (15)	Petition Re: Arbitration Award (11)	Election Contest
	Writ of Mandate (02)	Petition for Name Change
	Writ—Administrative Mandamus	Petition for Relief From Late Claim
	Writ—Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

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EXHIBIT 3 PAGE 2

11/24/2009

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BY FAX

ORIGINAL
3 of 28

SHORT TITLE:

1st Valley Credit Union, et al. v. Donna Bland, et al.

CASE NUMBER

BC 426754

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)****This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.****Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:**JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 15 ☐ HOURS/ ☒ DAYS**Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):****Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

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Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: 1st Valley Credit Union, et al. v. Donna Bland, et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

LACIV 109 (Rev. 01/07)
LASC Approved 03-04CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATIONLASC, rule 2.0
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

SHORT TITLE 1st Valley Credit Union, et al. v. Donna Bland, et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

LACIV 109 (Rev. 01/07)
LASC Approved 03-04CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATIONLASC, rule 2.0
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SHORT TITLE: 1st Valley Credit Union, et al. v. Donna Bland, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 1800 Broadview Drive
<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		
CITY: Glendale	STATE: CA	ZIP CODE: 91208

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: November 23, 2009

 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

EXHIBIT 4

ORIGINAL

12/21/2009

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1 of 3

SUM-100

**First Amended SUMMONS
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

DONNA BLAND

Additional Parties Attachment Form is Attached

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

1ST VALLEY CREDIT UNION;

Additional Parties Attachment Form is Attached

BY FAXFOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**FILED**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 21 2009

John A. Clarke, Executive Officer/Clerk

By Amber Lafleur-Clayton Deputy
AMBER LAFLEUR-CLAYTON**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desecher el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles Superior Court

111 N. Hill Street
Los Angeles, California 90012

CASE NUMBER:
(Número del Caso):

EC426754

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
David C. Parisi, Parisi & Havens LLP, 15233 Valleyheart Drive, Sherman Oaks, CA 91403, 818-99-12999

DATE:
(Fecha) DEC 21 2009

Clerk, by
(Secretario)

AMBER LAFLEUR-CLAYTON

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

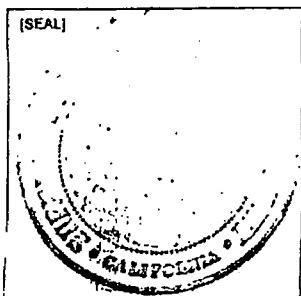
NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):



12/21/2009

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SUM-200(A)

SHORT TITLE:

1st Valley Credit Union, et al. v. Donna Bland, et al.

CASE NUMBER

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

CASCADE FEDERAL CREDIT UNION; GLENDALE AREA SCHOOLS FEDERAL CREDIT UNION;
 KAIPERM NORTHWEST FEDERAL CREDIT UNION; NORTHWEST PLUS CREDIT UNION;
 STAMFORD FEDERAL CREDIT UNION; and TULARE COUNTY FEDERAL CREDIT UNION

Page ____ of ____

Page 1 of 1

12/21/2009

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SUM-200(A)

SHORT TITLE: 1st Valley Credit Union, et al. v. Donna Bland, et al.	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
 → If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

ROBERT BURRELL, JEREMY CALVA, WILLIAM CHENEY, LAURA CLOHERTY, GORDON DAMES, ADAM DENBO, DIANA R. DYKSTRA, JEFF HAMILTON, ROBERT H. HARVEY, JR., JAMES HAYES, WAYNE HOPE, DWIGHT JOHNSTON, JAMES P. JORDAN, TIMOTHY KRAMER, ROBIN J. LENTZ, SUSANNE LONGSON, JOHN M. MERLO, WARREN NAKAMURA, BRIAN OSBERG, DAVID ROUGHTON, TIMOTHY SIDLEY, ROBERT SIRAVO, DAVID TRINDER, DARREN WILLIAMS, RISKSPAN INC., and DOES 1 through 100, inclusive.

Page ____ of ____

Page 1 of 1

EXHIBIT 5

ORIGINAL

Michael H. Bierman, State Bar No. 89156
 Michael E. Pappas, State Bar No. 130400
 Michelle K. Sugihara, State Bar No. 217444
 LUCE, FORWARD, HAMILTON & SCRIPPS LLP
 601 S. Figueroa, Suite 3900
 Los Angeles, California 90017
 Telephone No.: 213.892.4992
 Fax No.: 213.452.8032
 E-Mail: mbierman@luce.com
mpappas@luce.com
msugihara@luce.com

FILED
 Los Angeles Superior Court

DEC 30 2009

John A. Glacke, Executive Officer/Clerk
 By *[Signature]* DOROTHY SWAIN, Deputy

Attorneys For Proposed Intervenor National Credit Union Administration
 As Conservator For Western Corporate Federal Credit Union

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

1ST VALLEY CREDIT UNION; CASCADE
 FEDERAL CREDIT UNION;
 GLENDALE AREA SCHOOLS FEDERAL
 CREDIT UNION; KAIPERM NORTHWEST
 FEDERAL CREDIT UNION; NORTHWEST
 PLUS CREDIT UNION; STAMFORD
 FEDERAL CREDIT UNION; and TULARE
 COUNTY FEDERAL CREDIT UNION,

Plaintiffs,

v.

DONNA BLAND, ROBERT BURRELL,
 JEREMY CALVA, WILLIAM CHENEY,
 LAURA CLOHERTY, GORDON DAMES
 ADAM DENBO, DIANA R. DYKSTRA,
 JEFF HAMILTON, ROBERT H. HARVEY,
 JR., JAMES HAYES, WAYNE HOPE,
 DWIGHT JOHNSTON, JAMES P. JORDAN,
 TIMOTHY KRAMER, ROBIN J. LENTZ,
 SUSANNE LONGSON, JOHN M. MERLO,
 WARREN NAKAMURA, BRIAN OSBERG,
 DAVID ROUGHTON, TIMOTHY SIDLEY,
 ROBERT SIRAVO, DAVID TRINDER,
 DARREN WILLIAMS, RISKSPAN INC., and
 DOES 1 through 100, inclusive.

Defendants.

CASE NO.: BC 426754

Hon. Richard Fruin

**NOTICE OF MOTION AND MOTION OF
 THE NATIONAL CREDIT UNION
 ADMINISTRATION AS CONSERVATOR
 FOR WESTERN CORPORATE
 FEDERAL CREDIT UNION FOR LEAVE
 TO INTERVENE**

[Filed concurrently with Memorandum of
 Points and Authorities in Support of Motion,
 Declaration of David Shetler, [Proposed]
 Complaint in Intervention, and [Proposed]
 Order]

Date: February 1, 2010
 Time: 8:30 a.m.
 Dept.: 15

Complaint Filed: November 24, 2009

CLERK: M024754 15/03/2010
 RECEIPT # CH118762020
 DATE PAID: 12/30/09 12:03:54 PM
 PAYMENT: \$55.00
 RECEIVED: 03/03
 CHIEF CLERK: 155.00
 CLERK: 155.00
 CHIEF CLERK: 155.00
 CLERK: 155.00

NOTICE OF MOTION AND MOTION OF THE NATIONAL CREDIT UNION ADMINISTRATION AS
 CONSERVATOR FOR WESTERN CORPORATE FEDERAL CREDIT UNION FOR LEAVE TO INTERVENE

EXHIBIT 3 PAGE 1

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on February 1, 2010, at 8:30 a.m. or soon thereafter as this
3 matter may be heard in Department 15 of the above-entitled Court, located at 111 North Hill
4 Street, Los Angeles, California, the National Credit Union Administration as Conservator for
5 Western Corporate Federal Credit Union (the "Conservator") will move this Court for leave to
6 intervene to assert its interests in the above-captioned lawsuit.

7 This motion is made pursuant to Code of Civil Procedure § 387(b) (mandatory
8 intervention) on the grounds that (1) the Conservator has an interest in the claims for damages
9 which are the subject of the action, as those claims are an asset or potential asset of Western
10 Corporate Federal Credit Union; (2) the Conservator is so situated that the disposition of the action
11 may, as a practical matter, impair the conservator's ability to protect its interest; (3) the
12 Conservator's interests are not adequately represented by the existing plaintiffs both because the
13 interests differ and because plaintiffs lack standing; and (4) the application is timely as the action
14 has just been filed.

15 In addition, this motion is made pursuant to Code of Civil Procedure Section § 387(a)
16 (permissive intervention) as the Conservator has a direct and immediate interest in the litigation;
17 the intervention will not enlarge the issues in the case; and the reasons for intervention outweigh
18 any opposition by the existing parties.

19 ///

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EXHIBIT 5 PAGE 2

1 This Motion is based on this Notice of Motion, the concurrently-filed Memorandum of
2 Points and Authorities, the concurrently-filed Declaration of David Shetler, the [Proposed]
3 Complaint in Intervention lodged concurrently herewith, and such other and further argument and
4 evidence that may be provided to the Court at the time of hearing.

5 DATED: December 30, 2009

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

6
7 By: 

Michael H. Bierman

Michael E. Pappas

Michelle Sugihara

Attorneys For Intervenor National Credit Union

Administration As Conservator For Western

Corporate Federal Union

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EXHIBIT 5 PAGE 3

PROOF OF SERVICE

National Credit Union Administration, et al. v. Donna Bland, et al.

Case No. BC 426754

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 S. Figueroa, Suite 3900, Los Angeles, California 90017.

On December 30, 2009, I served true copies of the following document described as:

**NOTICE OF MOTION AND MOTION OF THE NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR FOR WESTERN CORPORATE
FEDERAL CREDIT UNION FOR LEAVE TO INTERVENE**

on the interested parties in this action as follows:

**Scott A. Kamber, Esq.
KAMBEREDELSON LLC
11 Broadway, 22nd Fl.
New York, NY 10004
Tel.: (646) 964-9600
Fax: (212) 202-6364**

**David C. Parisi, Esq.
Suzanne Havens Beckman, Esq.
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, CA 91403
Tel.: (818) 990-1299
Fax: (818) 501-7852**

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 30, 2009, at Los Angeles, California.


Theresa del Pomar

201045887.1

EXHIBIT 5 PAGE 4

EXHIBIT 6

ORIGINAL

1 Michael H. Bierman, State Bar No. 89156
Michael E. Pappas, State Bar No. 130400
2 Michelle Sugihara, State Bar No. 217444
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
3 601 S. Figueroa, Suite 3900
Los Angeles, California 90017
4 Telephone No.: 213.892.4992
Fax No.: 213.452.8033
5 E-Mail: mbierman@luce.com
mpappas@luce.com
6 msugihara@luc.com

FILED
Los Angeles Superior Court

DEC 30 2009

John A. Clarke, Executive Officer/Clerk
By Dorothy Swain, Deputy

7 Attorneys For Proposed Intervenor National Credit Union Administration
As Conservator For Western Corporate Federal Credit Union
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 1ST VALLEY CREDIT UNION; CASCADE
FEDERAL CREDIT UNION;
12 GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
13 FEDERAL CREDIT UNION; NORTHWEST
PLUS CREDIT UNION; STAMFORD
14 FEDERAL CREDIT UNION; and TULARE
COUNTY FEDERAL CREDIT UNION,

15 Plaintiffs,

16 v.

17 DONNA BLAND, ROBERT BURRELL,
18 JEREMY CALVA, WILLIAM CHENEY,
LAURA CLOHERTY, GORDON DAMES
19 ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
20 JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
21 TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
22 WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
23 ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
24 DOES 1 through 100, inclusive.

25 Defendants.
26
27
28

CASE NO.: BC 426754

Hon. Richard L. Fruin
Dept. 15

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF THE
NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR
FOR WESTERN CORPORATE
FEDERAL CREDIT UNION'S MOTION
FOR LEAVE TO INTERVENE**

[Filed concurrently with Notice of Motion,
Declaration of David Shetler, [Proposed]
Complaint in Intervention, and [Proposed]
Order]

Date: February 1, 2010
Time: 8:30 a.m.
Dept.: 15

Complaint Filed: November 24, 2009

EXHIBIT 6 PAGE 1

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On March 19, 2009, Western Corporate Federal Credit Union ("WesCorp") was placed into conservatorship and the National Credit Union Administration ("NCUA") was appointed conservator ("Conservator"). At the time of the conservatorship, WesCorp was a \$23 billion federally chartered corporate credit union whose 1,100 members are themselves credit unions. Its losses are currently estimated to be more than \$6 billion. These losses will be covered by a government insurance fund, the National Credit Union Share Insurance Fund (the "NCUSIF"), financed by assessments paid by credit unions. As Conservator, the NCUA is investigating the failure of WesCorp and whether any of its former officers or directors are legally culpable. If the Conservator initiates legal action against former officers and directors, any recovery would go to WesCorp or to the NCUSIF.

This action was brought by a group of seven WesCorp member credit unions against certain current and former directors and officers of WesCorp. It seeks to recover for the benefit of the seven plaintiffs the assets of the defendants and any insurance proceeds that might be available. The rights and claims that the plaintiffs are asserting are rights that are derivative of WesCorp – the complaint alleges negligence and breach of fiduciary duties that resulted in losses to WesCorp and its members generally and not to the plaintiffs in particular.

Under federal law, the Conservator succeeds to all rights and obligations of the credit union and of its members with respect to the credit union. The Conservator, and not individual member credit unions, thus has the exclusive right to pursue claims against current and former officers and directors for breaches of duty resulting in losses to the credit union and its members.

Because the Conservator has succeeded by operation of law to the claims asserted by the plaintiffs in this action against the officers and directors, it has an interest in the property which is the subject matter of this dispute, and the Conservator is so situated that the disposition of the action between plaintiffs and defendants may, as a practical matter, impair and impede the Conservator's ability to protect its interest.

EXHIBIT 6 PAGE 2

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1 As the Conservator represents the interests of the federal credit union system and all of the
 2 members, its interests are not adequately represented by the existing parties, who either seek to
 3 pursue the claims on their own behalf or seek to avoid any liability. Finally, this application is
 4 timely in that it was brought at the inception of this litigation. Accordingly, the Conservator
 5 respectfully submits that intervention is mandatory pursuant to Code of Civil Procedure section
 6 387(b).

7 Even if mandatory intervention is not required, the Court should, under its discretionary
 8 power, permit the Conservator to intervene as it has a direct and immediate interest in the
 9 litigation, its intervention will not enlarge the issues in the case, and the reasons for intervention
 10 outweigh any opposition by the existing parties.

11 **II. STATEMENT OF FACTS**

12 **A. The Federal Credit Union System.**

13 The NCUA is the federally authorized regulatory agency that oversees all federally
 14 chartered credit unions. The authorization for the NCUA is found at 12 U.S.C. § 1751, *et seq.* (the
 15 "Federal Credit Union Act"). The NCUA acts under the management of the NCUA Board. 12
 16 U.S.C. § 1752. [Declaration of David Shetler ("Shetler Decl.") ¶ 2.]

17 The credit union system is a three-tier system consisting of one wholesale corporate credit
 18 union, 27 retail corporate credit unions, and nearly 8,000 "natural person" credit unions. The
 19 wholesale corporate credit union (U.S. Central Federal Credit Union) provides services to the 27
 20 retail corporate credit unions, while the retail corporate credit unions provide services to the
 21 natural person credit unions, which in turn serve the financial needs of more than 87 million
 22 members. [Shetler Decl. ¶ 3.]

23 Retail corporate credit unions provide essential support for natural person credit unions
 24 through delivery of liquidity, financial, and correspondent products and services, such as
 25 investment/deposit services, loans, wire transfers, item processing and imaging, automatic
 26 clearinghouse transaction processing, automatic teller machine processing, bill payment services
 27 and security safekeeping. [Shetler Decl. ¶ 4.]

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EXHIBIT 6 PAGE 3

1 **B. The Parties.**

2 WesCorp, with 1,100 members, is the largest of the 27 retail corporate credit unions.
3 [Shetler Decl. ¶ 5.] The seven plaintiffs in this action, 1st Valley Credit Union, Cascade Federal
4 Credit Union, Glendale Area Schools Federal Credit Union, KaiPerm Northwest Federal Credit
5 Union, Northwest Plus Credit Union, Stamford Federal Credit Union, and Tulare County Federal
6 Credit Union (collectively "Plaintiffs") are natural person credit unions that are members of
7 WesCorp. [Complaint ¶¶ 6-12.]

8 The defendants in this action are the following former and current officers and directors of
9 WesCorp: Robert Siravo, Robert Burrell, and Jeremy Calva (former officer defendants); James
10 Hayes, Laura Clorherty, Jeff Hamilton, Dwight Johnston, Timothy Sidley and David Trinder
11 (current officer defendants); Robert H. Harvey, Jr., James P. Jordan, Timothy Kramer, Robin J.
12 Lentz, Gordon Dames, Adam Denbo, Diana R. Dykstra, Wayne Hope, Susanne Longson, John M.
13 Merlo, Warren Nakamura, Brian Osberg, and William Chaney (former director defendants); David
14 Roughton, Darren Williams and Donna Bland (former supervisory committee defendants)
15 (collectively, "Defendants"). The Plaintiffs also sued RiskSpan, Inc., a third-party consultant that
16 allegedly advised the WesCorp officers and directors on their investment strategies. [Complaint
17 ¶¶ 13-16.]

18 In March 2009, the NCUA determined, among other things, that WesCorp's investment
19 portfolio, which was heavily invested in mortgage backed securities, had declined in value to such
20 a point as to make it necessary to appoint a Conservator to manage and conserve the assets of
21 WesCorp and to protect the National Credit Union Share Insurance Fund and the interest of the
22 members of WesCorp. [Shetler Decl. ¶ 6.] The NCUA appointed itself as Conservator on March
23 19, 2009, pursuant to 12 U.S.C. § 1786(h)(1)(A). A copy of the conservatorship order is attached
24 to the Shetler Decl. as Exhibit 1. As a result of the conservatorship, all assets and operations of
25 WesCorp are now under the control of the NCUA Board as Conservator. [Shetler Decl. ¶ 6.]

26 **C. The Lawsuit.**

27 In their complaint, the Plaintiffs alleged that they lost the capital they had on deposit at
28 WesCorp and will be required to pay additional assessments to the NCUSIF as a result of the

1 Defendants' breaches of fiduciary duty and negligence in managing WesCorp and its investments.

2 The complaint summarizes the Plaintiffs' claims as follows:

3 In short, by embarking on a reckless and unreasonably leveraged
4 investment strategy, the WesCorp officer defendants, director
5 defendants, and supervisory defendants (collectively, the "Individual
6 Defendants") breached fiduciary duties owed to WesCorp's credit
7 union members, including Plaintiffs, for whose very benefit
8 WesCorp was created. The Individual Defendants were assisted in
9 their negligent investment scheme by RiskSpan, Inc., which was
10 supposed to provide a competent, independent analysis and
11 evaluation of the mortgage-related securities in which WesCorp
heavily invested. RiskSpan and the Individual Defendants utterly
failed to conduct themselves in accordance with the requisite
standard of care with regard to the protection of member credit
unions' assets and the maintenance of sufficient WesCorp liquidity
for the benefit of its member credit unions' needs. [Complaint, ¶ 4.]

12 The complaint goes on to allege two causes of action: one for negligence and a second for
13 breach of fiduciary duties. While the complaint makes conclusory allegations that Defendants
14 owed Plaintiffs various duties, it does not allege either that the action is being brought derivatively
15 on behalf of WesCorp or any theory under which the duties of WesCorp's directors and officers
16 would run directly to its members rather than to WesCorp itself.

17 **III. ARGUMENT**

18 **A. The Conservator Has Succeeded To All Rights, Titles, Powers and Privileges** 19 **of the Plaintiffs To Bring Claims Against The Former And Current Directors** 20 **And Officers.**

21 As a result of the conservatorship, the NCUA Board (the "Board") succeeded to:

22 (i) all rights, titles, powers, and privileges of the credit union, *and of any member,*
23 *accountholder,* officer, or director of such credit union with respect to the credit
union and the assets of the credit union. [Emphasis added.] [12 U.S.C.
§ 1787(b)(2)(A).]

24 Cases interpreting this and similar statutes involving other financial institution regulators
25 have held that the right of a member or shareholder to sue officers and directors of a failed
26 financial institution for damages to the institution or for damages to the member's or shareholder's
27 interests vests in the regulator acting as conservator or receiver. *Lafayette Federal Credit Union v.*
28 *National Credit Union Administration*, 960 F.Supp. 999, 1005 (E.D. Va. 1997), *aff'd*, 133 F.3d

1 915, 1998 WL 2881 (4th Cir. Jan. 7, 1998)(unpublished); *In re Federal National Mortgage*
 2 *Association Securities, Derivative and "ERISA" Litigation*, 629 F.Supp.2d 1 (D.C. Cir.
 3 2009)(Only the FHFA has standing to pursue the claims for misconduct of former officers and
 4 directors relating to subprime mortgages.). *See also, In re United Independent Credit Union*, 768
 5 F.Supp 42 (E.D. NY 1991)(Majority shareholders not entitled to intervene because National Credit
 6 Union Administration Board as Conservator had duty to represent all shareholders.).

7 In *Pareto v. FDIC*, 139 F.3d 696 (9th Cir. 1998), the Ninth Circuit construed a virtually
 8 identical provision applicable to insured depository institutions as eliminating shareholders'
 9 standing to pursue derivative claims on behalf of a bank because "Congress has transferred
 10 everything it could to the FDIC, and that includes a stockholder's right, power, or privilege to
 11 demand corporate action or to sue directors or others when action is not forthcoming." *Id.* at 700.
 12 Among the rights and powers the FDIC acquires when named as receiver or conservator is the
 13 right to control and assert claims brought derivatively by shareholders based on the acts and
 14 omissions of directors and officers of failed banks. *Id.* at 700-701. This right is to be broadly read
 15 to ensure the orderly management of failed banks. As the Court stated:

16 Pareto's assertion that the FDIC did not accede to his derivative stockholder claims
 17 against the allegedly miscreant directors of the bank must founder on the rocks of
 18 12 U.S.C. § 1821(D)(2)(A)(i) which is part of FIRREA. That section states that the
 19 FDIC "shall, as conservator or receiver, and by operation of law, succeed to . . . all
 20 rights, titles, powers, and privileges of the insured depository institution, and of any
 21 stockholder, member, accountholder, depositor, officer, or director of such
 22 institution with respect to the institution and the assets of the institution . . ."
 [Citations omitted.] Plainly, the section vests all rights and powers of a stockholder
 of the bank to bring a derivative action in the FDIC. One of those rights or powers
 is the pursuit of the very claims asserted here. The FDIC can decide to bring an
 action against the directors for their wrongdoing, if any there was. [*Id.* at 700.]

23 A virtually identical statutory scheme applies to conservatorships in the federal credit
 24 union system. In *Lafayette*, 960 F.Supp. 999, ninety-six credit unions, as former preferred capital
 25 shareholders in a corporate credit union like WesCorp, sued the NCUA, seeking damages arising
 26 out of the NCUA's decision to place the corporate credit union into conservatorship and then into
 27 liquidation. In dismissing the case, the district court held that in addition to failing to exhaust
 28 administrative remedies, the plaintiffs lacked standing to bring the suit because only the Board,
 and not the individual credit union members, could bring a derivative suit on behalf of the credit

1 union:

2 The Board may, as conservator or liquidating agent-

3 (i) Take over the assets of and operate the credit union with all the powers of the
4 members or shareholders, the directors, and the officers of the credit union and
shall be authorized to conduct all business of the credit union;

5 Absent contrary guidance from the Fourth Circuit, the Court reads this provision to
6 vest in the conservator and liquidating agent the shareholders' former right to bring
a derivative suit. Accordingly, Plaintiffs' derivative claims are dismissed. [*Id.* at
1005.]

7 Here, Plaintiffs sued Defendants for damages they allegedly incurred to their membership
8 interests and because their assessments for the NCUSIF have increased. As discussed below,
9 Plaintiffs' claims are derivative in nature and are now vested in the Conservator. In addition, to
10 the extent Plaintiffs are attempting to assert claims relating to the losses to their capital accounts
11 on deposit with WesCorp, the claims are also vested in the Conservator, who also succeeds to all
12 "rights, titles, powers, and privileges of . . . accountholder(s)" 12 U.S.C. § 1787(b)(2)(A).
13 Simply put, the claims being asserted by Plaintiffs are no longer theirs to assert. The Conservator
14 has the right to pursue these claims and conduct the litigation.

15 **B. The Claims Raised In The Complaint Are Derivative Claims That Depend On**
16 **The Plaintiffs' Status As Members And Accountholders.**

17 A shareholder's derivative suit seeks to recover for the benefit of the corporation and its
18 whole body of shareholders when injury is caused to the corporation that may not otherwise be
19 redressed because of failure of the corporation to act. *Paclink Communications International, Inc.*
20 *v. Sup. Ct. (Ivan Yeung)*, 90 Cal.App.4th 958, 964 (2001). Thus, the action is derivative (i.e., in
21 the corporate right) if the gravamen of the complaint is injury to the corporation, or to the whole
22 body of its stock and property without any severance or distribution among individual holders. *Id.*
23 As the court in *Rankin v. Frebank Co.*, 47 Cal.App.3d 75, 95 (1975) explained:

24 It is a general rule that a corporation which suffers damages through wrongdoing
25 by its officers and directors must itself bring the action to recover the losses thereby
occasioned, or if the corporation fails to bring an action, suit may be filed by a
26 stockholder acting derivatively on behalf of the corporation. An individual may not
27 maintain an action in his own right against the directors for destruction of or
diminution in the value of the stock . . . This rule is justifiable, for the rights of
28 creditors of the corporation, which are superior to those of the shareholders, would
not be protected if individual shareholders were permitted to sue in their own right.

As discussed above, the gravamen of Plaintiffs' complaint is that the conduct of WesCorp's former and current directors and officers injured WesCorp's liquidity and resulted in WesCorp being placed into conservatorship. This alleged wrongdoing constitutes an injury to WesCorp. The injury allegedly suffered by Plaintiffs is no different from the injury suffered by all members of WesCorp, the elimination of their capital accounts and increased insurance assessments. It is entirely a result of and incidental to WesCorp's injury. Thus, Plaintiffs' claims are derivative. *Nelson v. Anderson*, 72 Cal.App.4th 111, 127 (1999)("[w]hen the injury is to the 'whole body of stock,' the action must be derivative"); *Jones v. H.F. Ahmanson & Co.*, 1 Cal.3d 93, 107 (1969)(if the injury is incidental to the injury to the corporation, a derivative cause of action exists).

C. Because The Conservator Is A Real Party In Interest, It Has The Right To Intervene In This Action.

Under California Code of Civil Procedure § 387:

Upon timely application, any person, who has an interest in the matter in litigation, or in the success of either of the parties, or an interest against both, may intervene in the action or proceeding. An intervention takes place when a third person is permitted to become a party to an action or proceeding . . . either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant

A court is required to permit a party to intervene where there is a statutory right to intervene or where the party claims an interest in the property or transaction involved in the litigation and is so situated that any disposition of the action in that party's absence may, as a practical matter, impair that party's ability to protect the interest. Code Civ. Proc. § 387(b). A court has discretion to permit intervention even if intervention is not mandatory where the intervening party has an interest in the litigation, intervention will not enlarge the issues in the case, and the reasons for intervention outweigh any opposition by the existing parties.

The Court is required to liberally construe applications for intervention. *Simpson Redwood Co. v. State of California*, 196 Cal.App.3d 1192, 1200 (1987); see also *Lindelli v. Town of San Anselmo*, 139 Cal.App.4th 1499, 1505 (2006) (citing *Simpson Redwood Co.*) "The purpose of allowing intervention is to promote fairness by involving all parties potentially affected by a

1 judgment." *Simpson Redwood Co.* at 1199.

2 Here, the Conservator has a clear interest in the "property or transaction involved in the
3 litigation" and intervention is mandatory. The property or transaction at issue is the claim for
4 damages to the corporation as a result of alleged negligence and breaches of fiduciary duties of the
5 officers and directors. Those damage claims are assets of the corporation that are at risk in the
6 litigation. A disposition of the action without the participation of the Conservator may, as a
7 practical matter and possibly as a legal matter, impair the Conservator's ability to protect its
8 interest. As discussed above, Plaintiffs' claims are derivative claims. If they are settled or
9 resolved through litigation, the Conservator may lose the ability to pursue the claims on behalf of
10 the corporation. Moreover, as a practical matter, the defense of the directors and officers in this
11 litigation and any recovery by Plaintiffs is likely to dissipate any insurance proceeds or other
12 potential sources of recovery that would otherwise be available to the Conservator.

13 In addition, as a matter of discretion, the Court should permit intervention, as the
14 Conservator has the same rights and claims against Defendants as are being alleged by Plaintiffs.
15 The claims against the directors and officers are "assets" of the corporation. Because the
16 Conservator succeeds to each of the Plaintiffs' rights as a "member," "shareholder," or
17 "accountholder" with respect to the credit union and any of its assets, the Conservator has an
18 interest in the litigation and a stake in Plaintiffs' claims. The Conservator should be allowed to
19 participate in the Action. As the Conservator has a duty to protect the interests of all members,
20 including Plaintiffs, allowing intervention outweighs any potential opposition from the existing
21 parties.

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1 **IV. CONCLUSION**

2 For the reasons set forth above, the Conservator respectfully requests that the Court grant
3 this motion for leave to intervene.
4

5 DATED: December 30, 2009

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

6
7 By: 

8 Michael H. Bierman
9 Michael E. Pappas
10 Michelle K. Sugihara
11 Attorneys For Intervenor National Credit Union
Administration As Conservator For Western
Corporate Federal Credit Union

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PROOF OF SERVICE

National Credit Union Administration, et al. v. Donna Bland, et al.

Case No. BC 426754

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 S. Figueroa, Suite 3900, Los Angeles, California 90017.

On December 30, 2009, I served true copies of the following document described as:

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE
NATIONAL CREDIT UNION ADMINISTRATION AS CONSERVATOR FOR
WESTERN CORPORATE FEDERAL CREDIT UNION'S MOTION FOR
LEAVE TO INTERVENE**

on the interested parties in this action as follows:

**Scott A. Kamber, Esq.
KAMBEREDELSON LLC
11 Broadway, 22nd Fl.
New York, NY 10004
Tel.: (646) 964-9600
Fax: (212) 202-6364**

**David C. Parisi, Esq.
Suzanne Havens Beckman, Esq.
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, CA 91403
Tel.: (818) 990-1299
Fax: (818) 501-7852**

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 30, 2009, at Los Angeles, California.

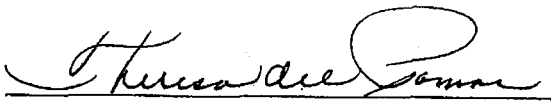

Theresa del Pomar

EXHIBIT 7

ORIGINAL

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FILED
Los Angeles Superior Court

DEC 30 2009

John A. Clarke, Executive Officer/Clerk
By Dorothy Swain Deputy

7 Attorneys For Proposed Intervenor National Credit Union
Administration As Conservator For Western Corporate Federal Union
8

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

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FEDERAL CREDIT UNION;
13 GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
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DOES 1 through 100, inclusive.

25 Defendants.
26
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28

CASE NO.: BC 426754
[Hon. Richard Fruin]

**DECLARATION OF DAVID SHETLER
IN SUPPORT OF MOTION FOR LEAVE
TO INTERVENE BY THE NATIONAL
CREDIT UNION ADMINISTRATION AS
CONSERVATOR FOR WESTERN
CORPORATE FEDERAL CREDIT
UNION**

[Filed concurrently with Notice of Motion,
Memorandum of Points and Authorities,
[Proposed] Complaint in Intervention, and
[Proposed] Order]

Motion Date: February 1, 2010
Time: 8:30 a.m.
Dept.: 15

Complaint Filed: November 24, 2009

DECLARATION OF DAVID SHETLER

I, David Shetler, declare:

1. I am a Senior Corporate Program Specialist for the Office of Corporate Credit Unions of the National Credit Union Administration, which has been appointed conservator for the Western Corporate Federal Credit Union ("WesCorp"). I make this declaration in support of the conservator's Motion for Leave to Intervene in the lawsuit between members of WesCorp and current and former officers and directors of WesCorp. Unless indicated otherwise, I have personal knowledge of the matters set forth in this Declaration, and if called upon to testify, I could and would testify competently to these matters under oath.

2. The National Credit Union Administration ("NCUA") is the federally authorized regulatory agency that oversees all federally chartered credit unions. The authorization for the NCUA is found at 12 U.S.C. § 1751, et seq. (the "Federal Credit Union Act"). The NCUA acts under the management of the NCUA Board.

3. The credit union system is a three-tier system consisting of one wholesale corporate credit union, 27 retail corporate credit unions, and nearly 8,000 "natural person" credit unions. The wholesale corporate credit union (U.S. Central Federal Credit Union) provides services to the 27 retail corporate credit unions, while the retail corporate credit unions provide services to the natural person credit unions, which in turn serve the financial needs of more than 87 million members.

4. Retail corporate credit unions provide essential support for natural person credit unions through delivery of liquidity, financial, and correspondent products and services, such as investment / deposit services, loans, wire transfers, item processing and imaging, automatic clearinghouse transaction processing, automatic teller machine processing, bill payment services and security safekeeping.

5. WesCorp is the largest of the 27 retail corporate credit unions. It has 1,100 members.

6. In March, 2009, the NCUA determined, among other things, that WesCorp's investment portfolio, which was heavily invested in mortgage backed securities, had declined in

1 value to such a point as to make it necessary to appoint a Conservator to manage and conserve the
2 assets of WesCorp and to protect the National Credit Union Share Insurance Fund and the interest
3 of the members of WesCorp. The NCUA appointed itself as conservator on March 19, 2009,
4 pursuant to 12 U.S.C. § 1786(h)(1)(A). A copy of the conservatorship order is attached hereto as
5 Exhibit 1. As a result of the conservatorship, all assets and operations of WesCorp are now under
6 the control of the NCUA Board as conservator.

7 7. The Plaintiffs never requested that the conservator bring the instant action against
8 the former and current officers and directors. The conservator is currently investigating the role
9 that WesCorp's former and current officers and directors played in the financial problems of
10 WesCorp and whether and to what extent legal action should be pursued. The current lawsuit filed
11 by Plaintiffs interferes with the conservator's ability to manage the conservatorship and to
12 investigate potential claims.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct. Executed this 26th day of December, 2009.

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16 David A. Shetler
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**UNITED STATES OF AMERICA
NATIONAL CREDIT UNION ADMINISTRATION
Alexandria, Virginia**

In the Matter of
the Conservatorship of
**WESTERN CORPORATE FEDERAL
CREDIT UNION,**

Charter No. 19693

NCUA Docket No. 09-0009-CO

ORDER OF CONSERVATORSHIP

To: The Board of Directors and Other Officials
Western Corporate Federal Credit Union
924 Overland Court
San Dimas, CA 91773-1750

Notice is hereby given that, pursuant to Section 206(h)(1)(A) of the Federal Credit Union Act ("the Act"), 12 U.S.C. Section 1786(h)(1)(A), the National Credit Union Administration Board ("NCUA Board") has appointed itself Conservator of Western Corporate Federal Credit Union ("WesCorp"), Charter No. 19693, for the reasons set forth in the Confidential Statement of Grounds for Conservatorship, incorporated herein by reference. By this appointment, the NCUA Board as Conservator is exercising its lawful authority *ex parte*, and without notice, immediately to take possession and control of the business, assets and records of WesCorp.

Pursuant to Sections 206(h)(4) and (h)(8) of the Act, 12 U.S.C. Sections 1786(h)(4), and (h)(8), this Order is effective upon service and the Conservator is forthwith vested with all powers of members, directors, and officers and committees of WesCorp. The Board of Directors and management are ordered forthwith to cease all activity on behalf of WesCorp. Any business purportedly conducted on behalf of WesCorp following service of this Order may subject members of the Board of Directors and management to civil and/or criminal liability.

The Board of Directors of WesCorp, its officers, employees and agents, are hereby ORDERED immediately to turn over and release to the duly appointed Agent for the Conservator, or to his sub-agents, all books, records, accounts, documents, attorney work product, assets and property, both real and personal, of every description, belonging to WesCorp.

Page Two

Appointment of Agent and Sub-Agents of Conservator

Pursuant to Section 206(h)(6) of the Act, 12 U.S.C. Section 1786(h)(6), Mark A. Treichel, Acting Director, Office of Corporate Credit Unions, and all successor Acting Directors of the Office of Corporate Credit Unions of the National Credit Union Administration, is hereby appointed Agent of the NCUA Board as Conservator of WesCorp.

The following persons are hereby appointed sub-agents of the Agent for the Conservator:

Scott Hunt	Michael Wheeler	Dan Buckley
Bruce Bakke	Joe Shoshoo.	

The Agent for the Conservator is authorized to appoint by letter such additional sub-agents as he deems necessary.

Authority of Agent and Sub-Agents of Conservator

The Agent for the Conservator and his sub-agents each possess all the authority delegable to such agents of the NCUA Board under Sections 1787(b)(2), (b)(12) - (16), (c), (g) and (h) of the Act, 12 U.S.C. Sections 1787(b)(2), (b)(12) - (16), (c), (g), (h), including but not limited to the authority to:

- (a) maintain possession and control of the business, assets, records, and property of WesCorp;
- (b) to sell, enforce collection of and liquidate all such assets and property;
- (c) to operate, manage and transact the business of WesCorp;
- (d) to repudiate agreements, contracts and leases to which WesCorp is a party;
- (e) to compound all bad and doubtful debts;
- (f) to make distribution and payment to creditors and members as their interests may appear;
- (g) to sue in the name of the Conservator or its Agent or in the name of WesCorp;
- (h) to defend such actions as may be brought against the Conservator, its Agent or WesCorp;
- (i) to receive, examine, and pass upon claims made against WesCorp;

Page Three

- (j) to execute such documents on behalf of WesCorp and to do such other things as may be necessary to conduct the business of WesCorp;
- (k) to assign, extend, discharge in whole or in part, or foreclose (including making an entry to foreclose) any mortgage or real or personal property standing in the name of WesCorp individually or held by WesCorp in any fiduciary capacity, and to subordinate the lien of any such mortgage to any other mortgage, lease, or other interest, and to initiate and to defend any action with respect to any such mortgage;
- (l) to sell, lease, convey, grant assessments or other interest in, enter agreements with respect to, and to initiate and to defend any action with respect to any real estate acquired by WesCorp individually, by virtue of the foreclosure, or held by WesCorp in any fiduciary capacity;
- (m) to sign, seal with the corporate seal, acknowledge and deliver all pleadings, affidavits, deeds, contracts, releases, discharges, certificates, leases, assents, grants, and other instruments necessary or appropriate to carry out the foregoing powers, and such execution shall in each case be conclusive as to the authority of the executing officer.

Grounds for Conservatorship

Pursuant to 12 U.S.C. Section 1786 (h)(1)(A), the NCUA Board has determined that the imposition of a conservatorship is necessary to conserve the assets of WesCorp and to protect the National Credit Union Share Insurance Fund ("NCUSIF") and the interests of the members of WesCorp. The NCUA Board's grounds for imposing a conservatorship are specifically set forth in the Confidential Statement of Grounds for Conservatorship, which is incorporated by reference in this Order. It is critical that the problems addressed in the Confidential Statement be resolved immediately and that steps be taken to limit the potentially serious risks to the assets of WesCorp, the interests of its members, and to the NCUSIF.

Nonpublication of Grounds for Conservatorship

Because WesCorp will continue to operate during the conservatorship, public disclosure of the nature of the grounds supporting this Order (which are set forth in the Confidential Statement) could cause damage to WesCorp or otherwise hinder the ability of the Conservator to maintain normal operations and to protect the assets of WesCorp, the interests of its members, the NCUSIF, and other individuals who may be involved. Accordingly, it is hereby ORDERED that the contents of the Confidential Statement shall not be disclosed or otherwise made public except to the extent

Page Four

authorized by the Agent for the Conservator or his sub-agents or as otherwise ordered by a court of competent jurisdiction.

Opportunity to Consent or To Apply For Relief

By the resolution of its Board of Directors, WesCorp may consent to the NCUA Board's conservatorship action. If the Board of Directors does not consent, it may, pursuant to 12 U.S.C. 1786(h)(3), no later than ten days after this Order is served, apply to the United States District Court for either the District of Columbia or the federal district court for the judicial district in which WesCorp's main office is located for an order requiring the NCUA Board to show cause why it should not be enjoined from continuing possession and control of WesCorp as Conservator. The Board of Directors may meet following the placing of WesCorp into conservatorship for the sole purpose of considering and authorizing the filing of this action in the name of the corporate credit union.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

By: Mary Rupp
MARY RUPP
Secretary of the Board

Dated: March 19, 2009

PROOF OF SERVICE

National Credit Union Administration, et al. v. Donna Bland, et al.

Case No. BC 426754

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 S. Figueroa, Suite 3900, Los Angeles, California 90017.

On December 30, 2009, I served true copies of the following document described as:

**DECLARATION OF DAVID SHETLER IN SUPPORT OF MOTION FOR
LEAVE TO INTERVENE BY THE NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR FOR WESTERN CORPORATE
FEDERAL CREDIT UNION**

on the interested parties in this action as follows:

**Scott A. Kamber, Esq.
KAMBEREDELSON LLC
11 Broadway, 22nd Fl.
New York, NY 10004
Tel.: (646) 964-9600
Fax: (212) 202-6364**

**David C. Parisi, Esq.
Suzanne Havens Beckman, Esq.
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, CA 91403
Tel.: (818) 990-1299
Fax: (818) 501-7852**

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 30, 2009, at Los Angeles, California.



Theresa del Pomar

EXHIBIT 8

12/30/0
COPY

1 Michael H. Bierman, State Bar No. 89156
 Michael E. Pappas, State Bar No. 130400
 2 Michelle K. Sugihara, State Bar No. 217444
 LUCE, FORWARD, HAMILTON & SCRIPPS
 3 601 S. Figueroa, Suite 3900
 Los Angeles, California 90017
 4 Telephone No.: 213.892.4992
 Fax No.: 213.452.8032
 5 E-Mail: mbierman@luce.com
mpappas@luce.com
 6 msugihara@luce.com

REC'D
DEC 30 2009
FILING WINDOW

7 Attorneys for Intervenor National Credit Union Administration
 As Conservator For Western Corporate Federal Credit Union
 8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 1ST VALLEY CREDIT UNION; CASCADE
 FEDERAL CREDIT UNION;
 12 GLENDALE AREA SCHOOLS FEDERAL
 CREDIT UNION; KAIPERM NORTHWEST
 13 FEDERAL CREDIT UNION; NORTHWEST
 PLUS CREDIT UNION; STAMFORD
 14 FEDERAL CREDIT UNION; and TULARE
 COUNTY FEDERAL CREDIT UNION,

15 Plaintiffs,

16 v.

17 DONNA BLAND, ROBERT BURRELL,
 JEREMY CALVA, WILLIAM CHENEY,
 18 LAURA CLOHERTY, GORDON DAMES
 ADAM DENBO, DIANA R. DYKSTRA,
 19 JEFF HAMILTON, ROBERT H. HARVEY,
 JR., JAMES HAYES, WAYNE HOPE,
 DWIGHT JOHNSTON, JAMES P. JORDAN,
 20 TIMOTHY KRAMER, ROBIN J. LENTZ,
 SUSANNE LONGSON, JOHN M. MERLO,
 21 WARREN NAKAMURA, BRIAN OSBERG,
 DAVID ROUGHTON, TIMOTHY SIDLEY,
 22 ROBERT SIRAVO, DAVID TRINDER,
 DARREN WILLIAMS, RISKSPAN INC., and
 23 DOES 1 through 100, inclusive.

24 Defendants

25 and

26 NATIONAL CREDIT UNION
 ADMINISTRATION AS CONSERVATOR
 27 FOR WESTERN CORPORATE FEDERAL
 CREDIT UNION,
 28 Intervenor.

CASE NO.: BC 426754

Hon. Richard L. Fruin
 Dept. 15

**[PROPOSED] COMPLAINT IN
 INTERVENTION**

DEMAND FOR JURY TRIAL

Complaint filed: November 24, 2009

EXHIBIT 8 PAGE 1

By leave of court, intervenor National Credit Union Administration as Conservator for Western Corporate Federal Credit Union (the "Conservator") files this complaint and thereby intervenes in this action adversely to both plaintiffs and defendants. The Conservator is successor-in-interest to plaintiffs and seeks the following relief:

RIGHT TO MANDATORY INTERVENTION PURSUANT TO CCP § 387(b)

1. As shown by the facts alleged herein, the Conservator has a right to intervene in this action because it now holds the exclusive right to prosecute the claims pled in this action. Adjudication of the parties' claims in the absence of the Conservator will therefore impede the Conservator's ability to protect its interest in the claims pled.

RIGHT TO PERMISSIVE INTERVENTION PURSUANT TO CCP § 387(a)

2. Alternatively, as shown by the facts alleged herein, the Conservator has a direct interest in the subject matter of this action that is likely to be directly affected by the outcome of this action. Adjudication of the Conservator's interests will not delay or unduly expand the trial of this action.

GENERAL ALLEGATIONS

3. On November 24, 2009, plaintiffs 1st Valley Credit Union, Cascade Federal Credit Union, Glendale Area Schools Federal Credit Union, KaiPerm Northwest Federal Credit Union, Northwest Plus Credit Union, Stamford Federal Credit Union, and Tulare County Federal Credit Union (collectively, "Plaintiffs") filed the complaint in the above-entitled action (the "Action") against defendants Donna Bland, Robert Burrell, Jeremy Calva, William Cheney, Laura Cloherty, Gordon Dames, Adam Denbo, Diana R. Dykstra, Jeff Hamilton, Robert H. Harvey, Jr., James Hayes, Wayne Hope, Dwight Johnston, James P. Jordan, Timothy Kramer, Robin J. Lentz, Susanne Longson, John M. Merlo, Warren Nakamura, Brian Osberg, David Roughton, Timothy Sidley, Robert Siravo, David Trinder, Darren Williams, Riskspan Inc., and Does 1-100, inclusive, (collectively, "Defendants") seeking damages for negligence and breach of fiduciary duties.

4. The Defendants have not yet appeared in the Action.

5. The credit union system is a three-tier system consisting of one wholesale corporate credit union, 27 retail corporate credit unions, and nearly 8,000 "natural person" credit unions.

EXHIBIT 8 PAGE 2

1 The wholesale corporate credit union (U.S. Central Federal Credit Union) provides services to the
 2 27 retail corporate credit unions, while the retail corporate credit unions provide services to the
 3 natural person credit unions, which in turn serve the financial needs of more than 87 million
 4 members.

5 6. Retail corporate credit unions provide essential support for natural person credit
 6 unions through delivery of liquidity, financial, and correspondent products and services, such as
 7 investment/deposit services, loans, wire transfers, item processing and imaging, automatic
 8 clearinghouse transaction processing, automatic teller machine processing, bill payment services,
 9 and security safekeeping.

10 7. In March 2009, Western Corporate Federal Credit Union ("WesCorp"), the largest
 11 of the 27 retail corporate credit unions, whose members consist of natural person credit unions
 12 such as Plaintiffs, was placed under a conservatorship imposed by the Conservator. As a result of
 13 the conservatorship, pursuant to 12 U.S.C. § 1787(b)(2)(A), the Conservator is, by operation of
 14 law, the successor-in-interest to "all rights, titles, powers, and privileges of the credit union, and of
 15 any member, accountholder, officer, or director of such credit union with respect to the credit
 16 union and the assets of the credit union." The Conservator therefore now holds the right to pursue
 17 any claims against WesCorp's former and current officers, former directors, and former
 18 supervisory committee members based upon actions they took in their respective capacities or that
 19 affected WesCorp or its assets.

20 8. The National Credit Union Administration ("NCUA") is the federally authorized
 21 regulatory agency that oversees all federally chartered credit unions.

22 9. The officer defendants named below (collectively, the "Officer Defendants")
 23 served among the top management of WesCorp at the relevant times, bore responsibility for
 24 investment decisions, and, in making those decisions, owed WesCorp fiduciary duties of care and
 25 loyalty:

- 26 a. Robert Siravo – the former President and Chief Executive Officer of WesCorp.
- 27 b. Robert Burrell – the former Executive Vice President and Chief Investment
- 28 Officer of WesCorp.

EXHIBIT 8 PAGE 3

- c. Jeremy Calva – the former Vice President, Investment Operations of WesCorp.
- d. James Hayes – the continuing Senior Vice President and Chief Financial Officer (formerly an Executive Vice President) of WesCorp.
- e. Laura Cloherty – the continuing WesCorp Vice President, Controller.
- f. Jeff Hamilton – the continuing Vice President, Portfolio Management.
- g. Dwight Johnston – the continuing Vice President, Economic & Market Research.
- h. Timothy Sidley – the continuing Vice President, Risk Assessment.
- i. David Trinder – the continuing Vice President, Balance Sheet Management.

10. The director defendants named below (collectively, the “Director Defendants”) served as directors of WesCorp at all relevant times and were responsible for directing management of WesCorp, including the Officer Defendants, and establishing operating policies, including WesCorp’s investment and accounting policies, and owed WesCorp fiduciary duties of care and loyalty:

- a. Robert H. Harvey, Jr. – former Chairman of WesCorp’s board.
- b. James P. Jordan – former Vice Chairman of WesCorp’s board.
- c. Timothy Kramer – former Secretary/Treasurer of WesCorp’s board.
- d. Adam Denbo – former member of WesCorp’s board.
- e. Diana R. Dykstra – former member of WesCorp’s board.
- f. Wayne Hope – former member of WesCorp’s board.
- g. Robin J. Lentz – former member of WesCorp’s board.
- h. Susanne Longson – former member of WesCorp’s board.
- i. John M. Merlo – former member of WesCorp’s board.
- j. Warren Nakamura – former member of WesCorp’s board.
- k. Brian Osberg – former member of WesCorp’s board.
- l. Gordon Dames – former member of WesCorp’s board.
- m. William Cheney – former member of WesCorp’s board.

EXHIBIT 8 PAGE 4

11. The supervisory committee defendants named below (collectively, the “Supervisory Committee Defendants”) at all relevant times served as members of WesCorp’s supervisory committee and were responsible for overseeing WesCorp’s board of directors and owed WesCorp fiduciary duties of care and loyalty:

- a. David Roughton – former Chairman of WesCorp’s supervisory committee.
- b. Darren Williams – former Secretary of WesCorp’s supervisory committee.
- c. Donna Bland – former member of WesCorp’s supervisory committee.

12. The Officer Defendants, Director Defendants and the Supervisory Committee Defendants shall be collectively referred to as the “Individual Defendants.”

13. Defendant RiskSpan, Inc. (“RiskSpan”) is a consulting and valuation company with offices in Stamford, Connecticut, Washington, D.C., and Chennai, India. WesCorp engaged RiskSpan to provide independent evaluations of WesCorp’s most credit sensitive holdings (the majority of the sub-prime Residential Mortgage-Backed Securities and Collateralized Debt Obligation Securities). RiskSpan conducted its analysis of WesCorp’s riskiest sub-prime holdings on a monthly basis.

14. The Conservator is currently ignorant of the true names and capacities, whether individual, corporate, associate, or otherwise, of the defendants sued under the fictitious names Does 1 through 100, inclusive, and therefore, sue such defendants by such fictitious names. The Conservator will seek leave to amend this complaint to allege the true names and capacities of said fictitiously named defendants when their true names and capacities have been ascertained. The Conservator is informed and believes and based thereon alleges that each of the fictitiously named Doe defendants is legally responsible in some manner for the events and occurrences alleged herein, and for the damages suffered by the Conservator.

15. The Conservator is informed and believes and based thereon alleges that all defendants, including the fictitious Doe defendants, were at all relevant times acting as actual agents, conspirators, ostensible agents, partners and/or joint venturers and employees of all other defendants, and that all acts alleged herein occurred within the course and scope of said agency, employment, partnership, joint venture, conspiracy or enterprise, and with the express and/or

EXHIBIT 8 PAGE 5

1 implied permission, knowledge, consent, authorization and ratification of their co-defendants;
 2 however, each of these allegations are deemed "alternative" theories whenever not doing so would
 3 result in a contradiction with the other allegations.

4 16. Whenever this complaint makes reference to any act of Defendants, the allegations
 5 shall be deemed to mean the act of those defendants named in the particular cause of action, and
 6 each of them, acting individually, jointly and severally, unless otherwise alleged.

7 17. The rights and claims asserted by Plaintiffs in the Action are derivative claims of
 8 WesCorp, as they seek to hold directors and officers of WesCorp liable for negligence and breach
 9 of fiduciary duties to WesCorp that resulted in losses to WesCorp.

10 18. The Conservator is now the real party in interest, and Plaintiffs have no standing to
 11 bring the claims asserted in their complaint against Defendants.

12 19. Because the Conservator represents the interests of the federal credit union system
 13 and all of the members, its interests are not adequately represented by Plaintiffs, who seek to
 14 obtain individual recoveries against Defendants.

15 20. The Conservator is currently investigating the events at WesCorp that led to the
 16 imposition of the conservatorship, including the allegations made by Plaintiffs in the Action. It
 17 has to date made no determination whether legal action is warranted against some or all of the
 18 Defendants based on the allegations of the complaint.

19 **FIRST CAUSE OF ACTION**

20 **(Declaratory Relief – Against All Parties)**

21 21. The Conservator incorporates herein the allegations set forth in paragraphs 1
 22 through 20 above as if set forth in full herein.

23 22. As alleged above, Plaintiffs commenced the Action alleging derivative claims.

24 23. Each of the Defendants sued in the Action by Plaintiffs as an officer, director, or
 25 supervisory committee member of WesCorp (with the exception of RiskSpan, which was a third-
 26 party consultant to WesCorp) acted, and the lending practices, statements, representations and
 27 other alleged acts, errors and omissions complained of by Plaintiffs were made, on behalf of
 28 WesCorp or with respect to WesCorp and its assets, such that the right to pursue the Defendants

1 for damages for their acts, errors and omissions belongs to the Conservator, and not to Plaintiffs.

2 24. Due to the conservatorship of WesCorp, the Conservator now holds the exclusive
3 right to prosecute the claims alleged by Plaintiffs in this Action pursuant to 12 U.S.C. §
4 1787(b)(2)(A), and the Conservator is now the proper party to pursue claims against WesCorp's
5 former and current officers, directors, supervisory committee members, and consultant, including
6 the claims alleged by the Plaintiffs.

7 25. Despite the foregoing, the Conservator is informed and believes, and based thereon
8 alleges, that Plaintiffs assert that they have a right to maintain this Action and to pursue the
9 derivative claims alleged against Defendants on behalf of the members of WesCorp.

10 26. An actual controversy has arisen and now exists between the Conservator and
11 Plaintiffs regarding which party has the right to pursue the claims alleged by Plaintiffs in the
12 Action. The Conservator contends that, as successor-in-interest to WesCorp, it has the sole right
13 to pursue the claims alleged against Defendants in the Action and to assert any other claims that
14 could be derivatively pled by the Plaintiffs. The Conservator is informed and believes, and
15 thereupon alleges, that the Plaintiffs contend that they are entitled to pursue the claims alleged in
16 this Action against the Defendants and that the Conservator does not hold the right to pursue those
17 claims.

18 27. As a direct and proximate result of the foregoing dispute between the Conservator
19 and the Plaintiffs, the Conservator seeks a declaration from the Court that it, and not the Plaintiffs,
20 has the sole right to pursue the derivative claims alleged by the Plaintiffs against the Defendants in
21 this Action.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, the Conservator demands judgment as follows:

24 **On the first cause of action:**

25 1. For a declaration that the Conservator has the sole right to pursue the derivative claims
26 alleged in the Action by Plaintiffs;

27 2. That Plaintiffs be dismissed as parties to this Action;

28 EXHIBIT 8 PAGE 7

1 On all causes of action:

- 2 3. That the Conservator be awarded its costs of suit; and
- 3 4. All such other and further relief as the Court deems just and proper.

4 **DEMAND FOR JURY TRIAL**

5 The Conservator hereby demands a jury trial on the claims asserted by the Plaintiffs in this

6 Action.

7

8 DATED: December 30, 2009

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

9

10 By: 

11 Michael H. Bierman
12 Michael E. Pappas
13 Michelle K. Sugihara

14 Attorneys for Intervenor National Credit Union
Administration As Conservator For Western
Corporate Federal Credit Union

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EXHIBIT 8 PAGE 8

PROOF OF SERVICE

National Credit Union Administration, et al. v. Donna Bland, et al.

Case No. BC 426754

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 S. Figueroa, Suite 3900, Los Angeles, California 90017.

On December 30, 2009, I served true copies of the following document described as:

[PROPOSED] COMPLAINT IN INTERVENTION

on the interested parties in this action as follows:

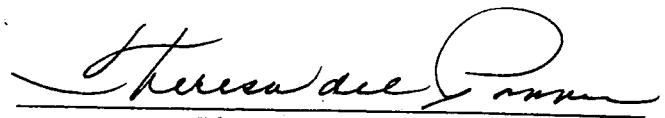
Scott A. Kamber, Esq.
KAMBEREDELSON LLC
11 Broadway, 22nd Fl.
New York, NY 10004
Tel.: (646) 964-9600
Fax: (212) 202-6364

David C. Parisi, Esq.
Suzanne Havens Beckman, Esq.
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, CA 91403
Tel.: (818) 990-1299
Fax: (818) 501-7852

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 30, 2009, at Los Angeles, California.


Theresa del Pomar

201045887.1

EXHIBIT 9

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy GLORIETTA ROBINSON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: BC426754
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683178L 15
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☐ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): First Amended Summons; Notice of Case Assignment-Unlimited Civil
- Party served (specify name of party as shown on documents served):
RISKSPAN INC.
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Corporation Service Company, Agent for service of process by serving Lucy Wunk
- Address where the party was served:
50 West Street, Hartford, Connecticut 06120-1504
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/22/2009 (2) at (time): 11:12 a.m. (EST)
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): RISKSPAN INC.

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Daniel Ricard, Ace Attorney Service, Inc.
- b. Address: 20 Paula Lane, Manchester, Connecticut 06045
- c. Telephone number: 860.646.4333
- d. The fee for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 28, 2009

DANIEL RICARD

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

EXHIBIT 10

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>GLORIETTA ROBINSON</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683190L	
PROOF OF SERVICE OF SUMMONS		15	

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☐ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): First Amended Summons; Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
TIMOTHY KRAMER
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
2805 Bowers Avenue, Santa Clara, California 95051-0917
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/28/2009 (2) at (time): 11:50 a.m.
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service, I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section): _____

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify): _____
- c. ☐ as occupant.
- d. ☐ On behalf of (specify): _____

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.48 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. Person who served papers

- a. Name: Avelino Miseray, Ace Attorney Service, Inc.
- b. Address: 149 9th Street, Suite 204, San Francisco, California 94103
- c. Telephone number: 415.556.1000
- d. The fee for service was: \$ _____
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 2009-0001114
- (iii) County: SAN FRANCISCO

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 28, 2009

AVELINO MISERAY

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

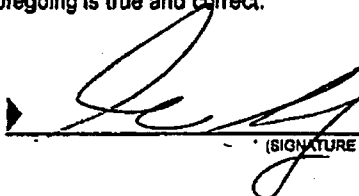

(SIGNATURE)

EXHIBIT 11

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 08 2010 John A. Clarke, Executive Officer/Clerk By <u>[Signature]</u> Deputy GLORIETTA ROBINSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 681009D	
PROOF OF SERVICE OF SUMMONS		15	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
3. a. Party served (specify name of party as shown on documents served):
David Trinder
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
924 Overland Court, San Dimas, California 91773
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/09/2009 (2) at (time): 3:15 p.m.
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Vartan Demirjyan, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5576
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 11, 2009

VARTAN DEMIRJYAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

EXHIBIT 12

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>GLORIETTA ROBINSON</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 681006D 15	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
Dwight Johnston
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
924 Overland Court, San Dimas, California 91773
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/10/2009 (2) at (time): 9:20 a.m.
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Vartan Demirjyan, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5576
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 11, 2009

VARTAN DEMIRJYAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT 13

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY <div style="text-align: center;"> FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 681008D	
PROOF OF SERVICE OF SUMMONS		15	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
3. a. Party served (specify name of party as shown on documents served):
 Timothy Sidley
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 924 Overland Court, San Dimas, California 91773
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/10/2009 (2) at (time): 9:20 a.m.
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Vartan Demirjyan, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5576
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 11, 2009

VARTAN DEMIRJYAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

EXHIBIT 14

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy GLORIETTA ROBINSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 681005D	
PROOF OF SERVICE OF SUMMONS		15	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
3. a. Party served (specify name of party as shown on documents served):
 Jeff Hamilton
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 924 Overland Court, San Dimas, California 91773
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/09/2009 (2) at (time): 3:15 p.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Vartan Demirjyan, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5576
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 11, 2009

VARTAN DEMIRJYAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT 15

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com;shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY <div style="text-align: center;"> FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robison</u> Deputy </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683193D	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons—**FIRST AMENDED**
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
3. a. Party served (specify name of party as shown on documents served):
 Diana R. Dykstra

 b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 3201 California Street, San Francisco, California 94118
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/21/2009 (2) at (time): 3:10 p.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in Item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: William Walker, Ace Attorney Service, Inc.
- b. Address: 149 9th Street, Suite 204, San Francisco, California 94103
- c. Telephone number: (415) 556-1000
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 953
- (iii) County: ALAMEDA

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 23, 2009

WILLIAM WALKER

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

EXHIBIT 16

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683191D	
PROOF OF SERVICE OF SUMMONS		15	

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons - **FIRST AMENDED**
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
Adam Denbo
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
6281 Beach Boulevard, Buena Park, California 90621
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/23/2009 (2) at (time): 10:40 a.m.
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

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PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Karen Gomez, Ace Attorney Service, Inc.
- b. Address: 310 West 3rd Street, Santa Ana, California 92701
- c. Telephone number: (714) 543-4220
- d. The fee for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 24, 2009

KAREN GOMEZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

EXHIBIT 17

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY <div style="text-align: center;"> FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy GLORIETTA ROBINSON </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683195D
PROOF OF SERVICE OF SUMMONS		15

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons **-FIRST AMENDED**
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
John M. Merlo
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
19867 Prairie Street, Chatsworth, California 91311
- I served the party (check proper box)
 - ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/22/2009 (2) at (time): 10:10 a.m.
 - ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Omar Shammout, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 6359
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 23, 2009

OMAR SHAMMOUT

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

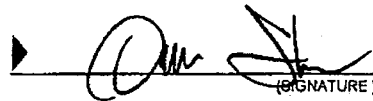

(SIGNATURE)

EXHIBIT 18

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>[Signature]</u> Deputy GLORIETTA ROBINSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683196D <u>15</u>	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons **FIRST AMENDED**
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
3. a. Party served (specify name of party as shown on documents served):
 David Roughton

 b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 3720 Madison Avenue, North Highlands, California 95660
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/23/2009 (2) at (time): 11:20 a.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.80 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brandon Ortiz, Ace Attorney Service, Inc.
- b. Address: 901 F Street, Suite 150, Sacramento, California 95814
- c. Telephone number: (916) 447-4000
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 2008-31
- (iii) County: SACRAMENTO

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 23, 2009

BRANDON ORTIZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT 19

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy GLORIETTA ROBINSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683189L <u>15</u>	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☐ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): First Amended Summons; Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
JAMES P. JORDAN
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
California Schools Financial Credit Union, 1485 Response Rd., Suite 126, Sacramento, CA 95815-4847
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/21/2009 (2) at (time): 2:00 p.m.
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

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PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brandon Ortiz, Ace Attorney Service, Inc.
- b. Address: 901 F Street, Suite 150, Sacramento, California 95814
- c. Telephone number: 916.447.4000
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server.
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 2008-31
- (iii) County: SACRAMENTO

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 22, 2009

BRANDON ORTIZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

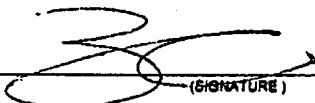

(SIGNATURE)

EXHIBIT 20

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FILED FOR COURT USE ONLY SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy GLORIETTA ROBINSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426754	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683661D	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons—**FIRST AMENDED**
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
Donna Bland
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
8945 Calcenter Drive, Sacramento, California 95826
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/21/2009 (2) at (time): 10:30 a.m.
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service, I mailed the documents listed in item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brandon Ortiz, Ace Attorney Service, Inc.
- b. Address: 901 F Street, Suite 150, Sacramento, California 95814
- c. Telephone number: (916) 447-4000
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 2008-31
- (iii) County: SACRAMENTO

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 23, 2009

BRANDON ORTIZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT 21

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>Glorietta Robinson</u> Deputy GLORIETTA ROBINSON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: BC426754
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: 683194L 15
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): First Amended Summons; Notice of Case Assignment-Unlimited Civil Case
3. a. Party served (specify name of party as shown on documents served):
ROBIN J. LENTZ
b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
10075 Carroll Canyon Road, San Diego, California 92131-1169
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/21/2009 (2) at (time): 2:25 p.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Don Yuson, Ace Attorney Service, Inc.
- b. Address: 110 West C Street, Suite 805, San Diego, California 92101
- c. Telephone number: 619.235.8400
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 1483
- (iii) County: SAN DIEGO

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 22, 2009

DON YUSON

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

EXHIBIT 22

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com;shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY <div style="text-align: center;"> FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u><i>[Signature]</i></u> Deputy GLORIETTA ROBINSON </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		CASE NUMBER: <div style="text-align: center;">BC426754</div>	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		Ref. No. or File No.: <div style="text-align: center;">681004D</div> <div style="text-align: right; font-size: 2em;">15</div>	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): **Notice of Case Assignment-Unlimited Civil Case**
3. a. Party served (specify name of party as shown on documents served):
Laura Cloherty
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
924 Overland Court, San Dimas, California 91773
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/09/2009** (2) at (time): **3:15 p.m.**
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Vartan Demirjyan, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5576
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 11, 2009

VARTAN DEMIRJYAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

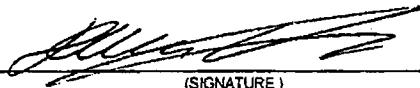

(SIGNATURE)

EXHIBIT 23

POS-010

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p> <p>JAN 06 2010</p> <p>John A. Clarke, Executive Officer/Clerk By <u>GLORIETTA ROBINSON</u> Deputy</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL</p>	<p>CASE NUMBER: BC426754</p>
<p>PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.</p>	<p>Ref. No. or File No.: 683230D 15</p>
<p>PROOF OF SERVICE OF SUMMONS</p>	

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons - **FIRST AMENDED**
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
Jeremy Calva
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
2061 Fair Oaks Avenue, South Pasadena, California 91030
- I served the party (check proper box)
 - ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/21/2009 (2) at (time): 8:41 p.m.
 - ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Roberto Diaz, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5681
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 22, 2009

ROBERTO DIAZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT 24

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PARISI & HAVENS LLP David C. Parisi, Esq. (SBN 162248); Suzanne Havens Beckman, Esq. (188814) 15233 Valleyheart Drive Sherman Oaks, California 91403 TELEPHONE NO.: (818) 990-1299 FAX NO. (Optional): (818) 501-7852 E-MAIL ADDRESS (Optional): dparisi@parisihavens.com; shavens@parisihavens.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JAN 06 2010 John A. Clarke, Executive Officer/Clerk By <u>[Signature]</u> Deputy GLORIETTA ROBINSON	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL		JAN 08 2010 PLUS WINDOW	
PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al. DEFENDANT/RESPONDENT: DONNA BLAND, et al.		CASE NUMBER: BC426754	
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 680999D	

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Assignment-Unlimited Civil Case
- Party served (specify name of party as shown on documents served):
James Hayes
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:
924 Overland Court, San Dimas, California 91773
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/09/2009 (2) at (time): 3:15 p.m.
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: 1st VALLEY CREDIT UNION; et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DONNA BLAND, et al.	BC426754

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 1 (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Vartan Demirjyan, Ace Attorney Service, Inc.
- b. Address: 811 Wilshire Blvd., Suite 900, Los Angeles, California 90017
- c. Telephone number: (213) 623-3979
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: 5576
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: December 11, 2009

VARTAN DEMIRJYAN

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT 25

ORIGINAL

Michael H. Bierman, State Bar No. 89156
Michael E. Pappas, State Bar No. 130400
Michelle K. Sugihara, State Bar No. 217444
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
601 S. Figueroa, Suite 3900
Los Angeles, California 90017
Telephone No.: 213.892.4992
Fax No.: 213.452.8032
E-Mail: mbierman@luce.com
mpappas@luce.com
msugihara@luce.com

JAN 15 2010
FILING WINDOW

FILED
LOS ANGELES SUPERIOR COURT

JAN 25 2010

BY JOHN A. CLARKE, CLERK
MICHELE CORTEZ, DEPUTY

Attorneys For Proposed Intervenor National Credit Union Administration
As Conservator For Western Corporate Federal Credit Union

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

1ST VALLEY CREDIT UNION; CASCADE
FEDERAL CREDIT UNION;
GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
FEDERAL CREDIT UNION; NORTHWEST
PLUS CREDIT UNION; STAMFORD
FEDERAL CREDIT UNION; and TULARE
COUNTY FEDERAL CREDIT UNION,

Plaintiffs,

v.

DONNA BLAND, ROBERT BURRELL,
JEREMY CALVA, WILLIAM CHENEY,
LAURA CLOHERTY, GORDON DAMES
ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
DOES 1 through 100, inclusive.

Defendants.

CASE NO.: BC 426754

Hon. Richard L. Fruin

STIPULATION

(1) TO CONTINUE HEARING ON
MOTION OF THE NATIONAL CREDIT
UNION ADMINISTRATION AS
CONSERVATOR FOR THE WESTERN
CORPORATE FEDERAL CREDIT
UNION TO INTERVENE; AND
(2) FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT
FOLLOWING RULING ON MOTION TO
INTERVENE; [PROPOSED] ORDER

Complaint Filed: November 24, 2009

CIT/CLERK: BC426754 LEA/DEF#:
RECEIPT #: CCH445980117
DATE PAID: 01/15/10 03:38:21 PM
PAYMENT: \$20.00
RECEIVED:
CHECK: 20.00
CASH:
CHANGE:
CARD:

1 Plaintiffs 1st Valley Credit Union, Cascade Federal Credit Union, Glendale Area Schools
2 Federal Credit Union, KaiPerm Northwest Federal Credit Union, Northwest Plus Credit Union,
3 Stamford Federal Credit Union, and Tulare County Federal Credit Union ("Plaintiffs") and
4 proposed intervenor, the National Credit Union Administration as Conservator for Western
5 Corporate Federal Credit Union (the "Conservator"), by and through their respective counsel,
6 stipulate and agree as follows with respect to the following facts:

7 RECITALS

8 A. The Plaintiffs are natural person credit unions that are some of the members of Western
9 Corporate Federal Credit Union ("WesCorp").

10 B. The defendants in this action are former and current officers and directors of WesCorp:
11 and a third-party consultant that allegedly provided consulting services to the WesCorp officers and
12 directors in regards to investments.

13 C. On November 24, 2009, Plaintiffs filed their complaint in this action alleging, among
14 other things, breaches of fiduciary duty and negligence in mismanaging WesCorp and its investments.

15 D. On December 30, 2009, the National Credit Union Administration ("NCUA") as
16 Conservator of WesCorp filed a Motion to Intervene in this action contending that it and not the
17 Plaintiffs has the exclusive right to pursue claims against current and former officers and directors for
18 breaches of duty resulting in losses to the credit union and its members.

19 E. To permit Plaintiffs additional time to respond to the Conservator's motion and to
20 allow the parties to discuss the possibility of resolving the Intervention without further motion practice
21 and to discuss permitting the participation of Plaintiffs and the Conservator in the litigation on a going
22 forward basis, the parties have agreed to continue the hearing on the Conservator's Motion to
23 Intervene.

24 F. The parties have further agreed that to minimize expense and burden on the court and
25 parties in the interim that the defendants should be given an extension of time to respond to the
26 complaint until after a ruling on or other disposition the Motion to Intervene.

27 NOW THEREFORE, the parties agree as follows:

28 1. The Conservator's Motion to Intervene currently set for February 1, 2010 will be

1 continued to February 24, 2010 at 8:30 a.m. in Department 15 of this Court.

2 2. Plaintiffs' opposition to the Motion to Intervene shall be personally served on the
3 Conservator and filed no later than 5:00 p.m. on February 4, 2010.

4 3. The Conservator's reply to the opposition to Motion to Intervene shall be
5 personally served on Plaintiffs and filed no later than 5:00 p.m. on February 18, 2010.

6 4. Any defendant that has been served with the complaint in this Action prior to the
7 hearing on the Motion to Intervene shall have not less than 14 days following the Court's ruling on
8 the Motion to Intervene to respond to the complaint.

9 DATED: January 15, 2010

PARISI & HAVENS LLP

10
11 By: 

David C. Parisi

12
13 Attorneys For Plaintiffs 1st Valley Credit Union,
14 Cascade Federal Credit Union, Glendale Area
15 Schools Federal Credit Union, Kaiperm
16 Northwest Federal Credit Union, Northwest Plus
17 Credit Union, Stamford Federal Credit Union,
18 and Tulare County Federal Credit Union
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1 DATED: January 15, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

2
3
4 By: 

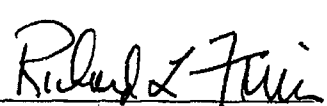
Michael H. Bierman
Michael E. Pappas

5
6 Attorneys For Intervenor National Credit Union
Administration As Conservator For Western
7 Corporate Federal Union

8 **ORDER**

9 IT IS SO ORDERED.

10
11 Dated: 1/25/10


12 Judge Richard L. Fruin
13 Judge of the Superior Court

14 201046354.4

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28 EXHIBIT 25 PAGE 4

EXHIBIT 26

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 02/24/10

DEPT. 15

HONORABLE RICHARD FRUIN

JUDGE

S. COLIN

DEPUTY CLERK

HONORABLE
9

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

B. BARRIOS, C.A.

Deputy Sheriff

R. REDDIX, CSR# 10807

Reporter

8:35 am

BC426754

Plaintiff

Counsel

NO APPEARANCE

1ST VALLEY CREDIT UNION ET AL

VS

Defendant

NO APPEARANCE

DONNA BLAND ET AL

Counsel

MICHAEL H. BIERMAN (X)
(ATTORNEY FOR INTERVENOR)

NATURE OF PROCEEDINGS:

Motion of proposed intervenor National Credit Union
Administration as conservator for Western Corporate
Federal Credit Union for leave to intervene;
(Continued from February 1, 2010 per stip & order)

The matter is called for hearing.

The Motion for leave to intervene is GRANTED.

The Order Granting the National Credit Union
Administration as Conservator for Western Corporate
Federal Credit Union Leave to Intervene is signed by
the Court and filed this date.

Complaint in Intervention is filed this date.

The moving party is to give notice.

EXHIBIT 27

ORIGINAL FILED

FEB 24 2010

SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

1ST VALLEY CREDIT UNION; CASCADE
FEDERAL CREDIT UNION;
GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
FEDERAL CREDIT UNION; NORTHWEST
PLUS CREDIT UNION; STAMFORD
FEDERAL CREDIT UNION; and TULARE
COUNTY FEDERAL CREDIT UNION,

Plaintiffs,

v.

DONNA BLAND, ROBERT BURRELL,
JEREMY CALVA, WILLIAM CHENEY,
LAURA CLOHERTY, GORDON DAMES
ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
DOES 1 through 100, inclusive.

Defendants.

CASE NO.: BC 426754

Hon. Richard L. Fruin

~~PROPOSED~~ ORDER GRANTING THE
NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR
FOR WESTERN CORPORATE
FEDERAL CREDIT UNION LEAVE TO
INTERVENE

Date: February 24, 2010

Time: 8:30 a.m.

Dept.: 15

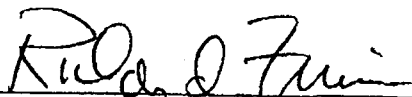
Complaint Filed: November 24, 2009

Ex. A ✓

ORDER

The Court, having considered the motion of proposed intervenor the National Credit Union Administration as Conservator for Western Corporate Federal Credit Union to intervene in this action and the stipulation of the parties to intervention, and good cause appearing therefor, finds that intervention pursuant to California Code of Civil Procedure § 387(b) is proper. The motion of the National Credit Union Administration as Conservator for Western Corporate Federal Union for leave to intervene is granted. Intervenor's [Proposed] Complaint in Intervention, received by the Court on December 30, 2009, is deemed filed as of this date.

Dated: Feb. 24, 2010


Judge Richard L. Fruin
Judge of the Superior Court

201048618.1

PROOF OF SERVICE

1st Valley Credit Union, et al. v. Donna Bland, et al.

Case No. BC 426754

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 S. Figueroa, Suite 3900, Los Angeles, California 90017.

On February 18, 2010, I served true copies of the following document described as:

**[PROPOSED] ORDER GRANTING THE NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR FOR WESTERN CORPORATE
FEDERAL CREDIT UNION**

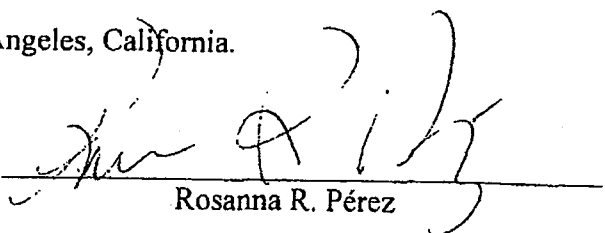
on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 18, 2010, at Los Angeles, California.


Rosanna R. Pérez

SERVICE LIST

Scott A. Kamber, Esq.
KAMBEREDELSON LLC
11 Broadway, 22nd Fl.
New York, NY 10004
Tel.: (646) 964-9600
Fax: (212) 202-6364
Attorneys for

David C. Parisi, Esq.
Suzanne Havens Beckman, Esq.
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, CA 91403
Tel.: (818) 990-1299
Fax: (818) 501-7852
Attorneys for

Randy Moore
Duane Tyler
Moore, Brewer, Jones, Tyler & North
4180 La Jolla Village Drive, Suite 540
La Jolla, CA 92037
858-626-2883
858-626-2899 (fax)
*Attorneys for Donna Bland, Robert
Burrell, William Cheney, Adam Denbo,
Diana R. Dykstra, Robert H. Harvey, Jr.,
Wayne Hope, James P. Jordan, Timothy
Kramer, Robin J. Lentz, Susanne
Longson, John M. Merlo, Warren
Nakamura, Brian Osberg, David
Roughton, Robert Siravo, Darren
Williams*

Kyle A. Ostergard, Esq.
Alston & Bird LLP
333 S. Hope Street, 16th Floor
Los Angeles, CA 90071
DD (213) 576-1036
Fax (213) 576-1100
Attorneys for Defendant RiskSpan, Inc.

201049182.1

EXHIBIT 28

ORIGINAL

FILED
LOS ANGELES SUPERIOR COURT

FEB 24 2010

JOHN A. CLARKE, CLERK
[Signature]
BY VICTOR E. SINO-CRUZ, DEPUTY

1 Michael H. Bierman, State Bar No. 89156
Michael E. Pappas, State Bar No. 130400
2 Michelle Sugihara, State Bar No. 217444
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
3 601 S. Figueroa, Suite 3900
Los Angeles, California 90017
4 Telephone No.: 213.892.4992
Fax No.: 213.452.8033
5 E-Mail: mbierman@luce.com
mpappas@luce.com
6 msugihara@luc.com

7 Attorneys For Proposed Intervenor National Credit Union Administration
As Conservator For Western Corporate Federal Credit Union
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 1ST VALLEY CREDIT UNION; CASCADE
FEDERAL CREDIT UNION;
12 GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
13 FEDERAL CREDIT UNION; NORTHWEST
PLUS CREDIT UNION; STAMFORD
14 FEDERAL CREDIT UNION; and TULARE
COUNTY FEDERAL CREDIT UNION,

15 Plaintiffs,

16 v.

17 DONNA BLAND, ROBERT BURRELL,
18 JEREMY CALVA, WILLIAM CHENEY,
LAURA CLOHERTY, GORDON DAMES
19 ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
20 JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
21 TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
22 WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
23 ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
24 DOES 1 through 100, inclusive.

25 Defendants.
26
27
28

CASE NO.: BC 426754

Hon. Richard L. Fruin
Dept. 15

**CERTIFICATE OF SERVICE OF
ORDER GRANTING NATIONAL
CREDIT UNION ADMINISTRATION AS
CONSERVATOR FOR WESTERN
CORPORATE FEDERAL SERVICE
CREDIT UNION LEAVE TO
INTERVENE**

Date: February 24, 2010
Time: 8:30 a.m.
Dept.: 15

Complaint Filed: November 24, 2009

1 I, Theresa del Pomar, certifies and declares as follows:

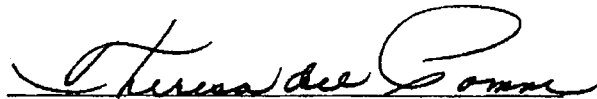
2 I am over the age of 18 years and not a party to this action.

3 My business address is 601 South Figueroa Street, Suite 3900, Los Angeles,
4 California 90017, which is located in the city, county and state where the mailing
5 described below took place.

6 On February 24, 2010, I deposited in the United States Mail at Los Angeles,
7 California, a copy of the "Order Granting the National Credit Union Administration
8 as Conservator for Western Corporate Federal Credit Union Leave to Intervene"
9 dated February 24, 2010, a copy of which is attached to this Certificate as Exhibit A,
10 on the parties listed below.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed on February 24, 2010.

13
14 

15 Theresa del Pomar
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SERVICE LIST

Scott A. Kamber, Esq.
KAMBEREDELSON LLC
11 Broadway, 22nd Fl.
New York, NY 10004
Tel.: (646) 964-9600
Fax: (212) 202-6364

David C. Parisi, Esq.
Suzanne Havens Beckman, Esq.
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15233 Valleyheart Drive
Sherman Oaks, CA 91403
Tel.: (818) 990-1299
Fax: (818) 501-7852

Randy Moore
Duane Tyler
Moore, Brewer, Jones, Tyler & North
4180 La Jolla Village Drive, Ste. 540
La Jolla, CA 92037
Tel.: (858) 626-2883
Fax: (858) 626-2899 (fax)

Kyle A. Ostergard, Esq.
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FEB 24 2010

SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

1ST VALLEY CREDIT UNION; CASCADE
FEDERAL CREDIT UNION;
GLENDALE AREA SCHOOLS FEDERAL
CREDIT UNION; KAIPERM NORTHWEST
FEDERAL CREDIT UNION; NORTHWEST
PLUS CREDIT UNION; STAMFORD
FEDERAL CREDIT UNION; and TULARE
COUNTY FEDERAL CREDIT UNION,

Plaintiffs,

v.

DONNA BLAND, ROBERT BURRELL,
JEREMY CALVA, WILLIAM CHENEY,
LAURA CLOHERTY, GORDON DAMES
ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
DOES 1 through 100, inclusive.

Defendants.

CASE NO.: BC 426754

Hon. Richard L. Fruin

~~PROPOSED~~ ORDER GRANTING THE
NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR
FOR WESTERN CORPORATE
FEDERAL CREDIT UNION LEAVE TO
INTERVENE

Date: February 24, 2010

Time: 8:30 a.m.

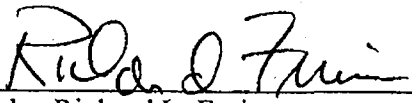
Dept.: 15

Complaint Filed: November 24, 2009

ORDER

The Court, having considered the motion of proposed intervenor the National Credit Union Administration as Conservator for Western Corporate Federal Credit Union to intervene in this action and the stipulation of the parties to intervention, and good cause appearing therefor, finds that intervention pursuant to California Code of Civil Procedure § 387(b) is proper. The motion of the National Credit Union Administration as Conservator for Western Corporate Federal Union for leave to intervene is granted. Intervenor's [Proposed] Complaint in Intervention, received by the Court on December 30, 2009, is deemed filed as of this date.

Dated: Feb. 24, 2010


Judge Richard L. Fruin
Judge of the Superior Court

201048618.1

PROOF OF SERVICE

1st Valley Credit Union, et al. v. Donna Bland, et al.

Case No. BC 426754

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 601 S. Figueroa, Suite 3900, Los Angeles, California 90017.

On February 18, 2010, I served true copies of the following document described as:

**[PROPOSED] ORDER GRANTING THE NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR FOR WESTERN CORPORATE
FEDERAL CREDIT UNION**

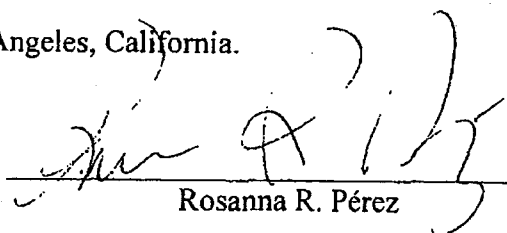
on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Luce, Forward, Hamilton & Scripps LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 18, 2010, at Los Angeles, California.


Rosanna R. Pérez

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